

MONTECITO PLANNING COMMISSION

Staff Report for

Montecito Growth Management Ordinance Extension Briefing

Hearing Date: August 26, 2009

Staff Report Date: August 19, 2009

Supervisorial District: 1st District

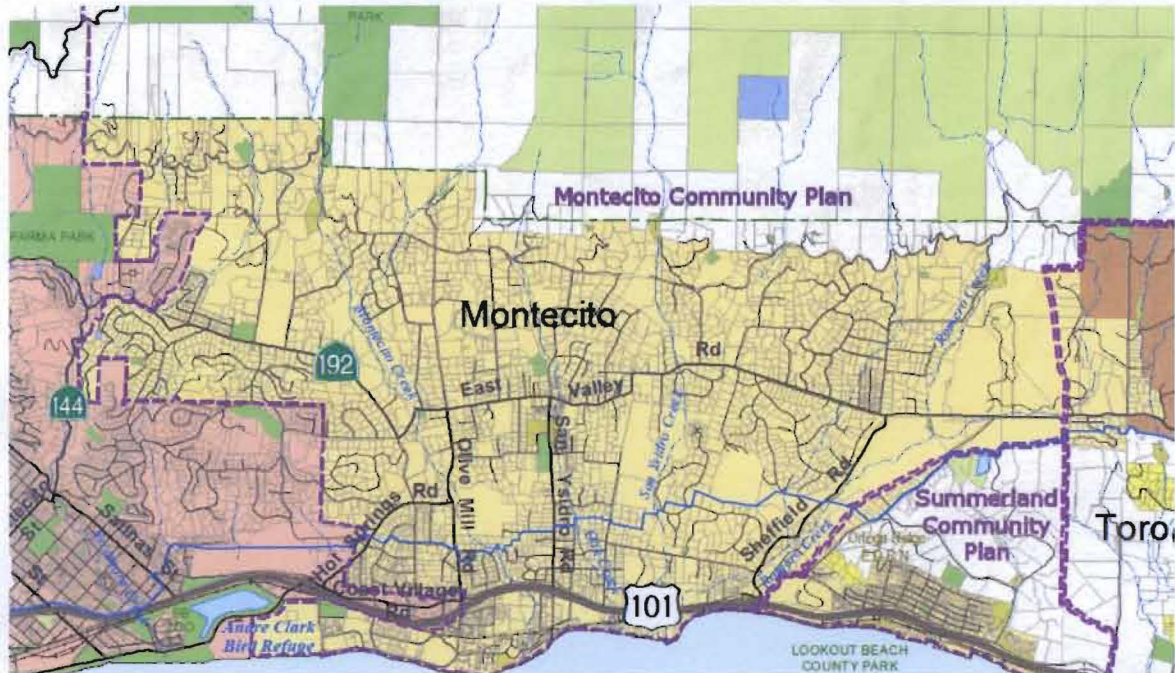
Director: Derek Johnson

Division: Long Range Planning

Holly Bradbury: Associate Planner

Staff Contact: 805-568-3577

Previous Environmental Document: 90-EIR-15 and November 10, 1999 Addendum



1.0 Request

Hearing at the request of the Office of Long Range Planning to review information regarding the Montecito Growth Management Ordinance (MGMO) Extension.

2.0 Recommendations and Procedures

The Office of Long Range Planning recommends that the Montecito Planning Commission:

1. Receive staff's report and update on the process for extending the Montecito Growth Management Ordinance (MGMO).

No action is requested at this time. Staff will provide an informational briefing on the MGMO Extension process only.

3.0 Executive Summary

The MGMO regulates the production rate of new residential development within the Montecito Planning Area and will expire on December 31, 2010 unless extended by action of the Board of

Supervisors. Over the next 15 months, staff will prepare a technical analysis and undertake environmental review to evaluate factors that will lead to the extension of the existing growth management ordinance beyond the December 2010 expiration.

4.0 Project Information

A. Background

History

The Board of Supervisors originally adopted the MGMO in 1991 to pace development in step with available services and resources 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 this pattern of accelerated residential growth and its effect on infrastructure and services. The MGMO is considered Phase I of the Montecito Community Plan (known as the Growth Management Plan) and pre-dates the adoption of the Montecito Community Plan in 1992. Completion of a Planning and Development study of resources and constraints, followed by extensive community dialogue and environmental review of growth rate alternatives (90-EIR-15), led to the institution of a growth management program. The intent of the MGMO is to accommodate growth within the Montecito Community Planning Area in a manner which balances development with available resources. The balance is defined within the ordinance and EIR by establishing particular water supply and fire protection service levels which must be achieved and maintained, as well as traffic and circulation impacts which must first be mitigated.

Prior to its initial expiration date in 1999, the MGMO was extended to 2005 and an addendum to the original EIR was prepared that analyzed the ordinance extension. 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 relied on the 1991 EIR and 1999 Addendum for environmental review as the extension to December 2010 was still within the original 20-year planning horizon of the original ordinance and did not create the potential for any new environmental impacts.

Ordinance 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 and special care/senior facilities, as well as specifically identified “grandfathered” projects, are exempt. The MGMO allocation award is based on a competitive permit allocation system with points given based on site specific resource protection measures; see Attachment A, Section 35B-7 for details.

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 under 1991 build-out projections. The MGMO 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 point assignments, see Attachment A) to projects that reduce impacts on services, infrastructure, and resources. Yearly MGMO status reports are sent to the Board of Supervisors with updates on permit allocations and analysis on water resources, fire protection, and traffic/circulation.

The ordinance 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 ordinance, public health and safety will be considered no longer jeopardized if water resource, fire protections, and traffic criteria are met (see Attachment A, Section 35B-2 for exact criteria). Evaluation of the expiration criteria will be included as part of the project analysis. During past ordinance extensions, traffic and circulation have been the limiting factor, as no intersection improvements had been completed as of 2005. Due to fluctuating state water allocations and continuing drought conditions, water supply may emerge as another limiting factor.

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.

Competition for allocations since the MGMO's implementation has varied with economic and real estate trends. In the first two years (1991-1992), more allocations were requested than could be granted and there was competition for points. However, the unsuccessful applicants re-applied and obtained allocations in subsequent distribution cycles. During the recessionary years of 1993-1996, applications did not exceed the number of allocations available. In 1997, the number of applications began to rise again but has since fallen off. Since 2002, there have been fewer applications submitted than allocations available and all applicants have received allocations. Because allocations have exceeded applications there is currently a surplus of 45 allocations available in addition to those new allocations that would normally be granted.¹ Since the second cycle of 2007, allocations applications have been low and vary between 2-6 per cycle, which may be due to current housing markets and recession.

Since adoption of the MGMO eighteen years ago, a total of 306 allocations for the development of new residential units have been granted out of the 351 available.² Under the terms of the existing ordinance, allocations that are granted but allowed to expire are not reallocated. Landowners must re-apply and compete for new allocations.

B. Purpose and Overview

Evaluation of the ordinance extension will include collection of water, fire, and traffic data followed by an analysis of environmental conditions and constraints, and updating build-out projections to determine if the ordinance remains necessary to constrain residential development. The data and analysis will inform the public and decision makers of options to amend, extend, or allow the expiration of the MGMO. The Board of Supervisors approved funding for this project in the Office of Long Range Planning's 2009-2010 Work Program and the project commenced at the beginning of the fiscal year on July 1, 2009.

¹ According to MGMO Section 35B-6.7, unassigned allocations may be carried over into future years. The number of allocations actually issued plus the number that could have been issued gives the total of 45 allocations currently available.

² P&D has completed 35 allocation cycles. The next distribution date is December 15, 2009.

Depending upon the results of environmental review, there may be a need to evaluate and update the original “test” for health and safety, the expiration criteria, and possibly the criteria upon which point allocations are based. The timeframe for the extension, which was in 5-year intervals in 1999 and 2005, is dependent on the results of the studies and staff analysis. If extended, yearly reports would continue to be submitted on an annual basis to the Board of Supervisors by the Director of Planning and Development for consideration.

The project components will include meetings between the Office of Long Range Planning, Development Review, the First District Supervisor’s Office, Public Works, the Montecito Service Districts, and the Montecito Planning Commission; the collection and analysis of existing and projected resource data including water, traffic, and fire service; preparation of an environmental document; and the formation of a recommendation.

GMO Requirements

Under State Law, growth management regulation must bear a substantial and reasonable relationship to public health and safety. The MGMO, as currently adopted, is consistent with state law as it is intended to regulate only new single family residential (affordable, multi-unit, commercial, or second units are not included) and public facility constraints are clearly specified. The ordinance may expire at any time if public health and safety are no longer negatively affected (all water resources, fire protection, and traffic/circulation criteria are met). Some progress towards relieving the constraints has been made since the MGMO inception. Montecito Water District has connected to the State Water System and a portion of the specified traffic/circulation improvements have been made. However, given the constraints associated with State Water deliveries, the analysis will include water supply and demand.

C. Environmental Review

The MGMO Environmental Impact Report (90-EIR-15) was completed in 1991 and analyzed a 20-year planning horizon and potential environmental impacts associated with a residential development potential of an additional approximately 540 dwelling units (380 market-rate units and 160 affordable units). The EIR identified impacts at buildout in fourteen areas, including water, fire, and traffic/circulation. Fire and traffic/circulation were also among the nine identified unavoidable significant (Class I) impacts. Flooding, geologic processes, historic resources and utilities were identified as significant but mitigable (Class II), and water resources and land uses were identified as adverse. The EIR also determined that the MGMO project would result in several beneficial impacts. Mitigation measures to minimize impacts were incorporated as policy and action items in the subsequently adopted Montecito Community Plan (September 1992) and the Board of Supervisors adopted findings and overriding considerations for those impacts that remained significant.

The Addendum to 90-EIR-15, dated November 10, 1999, analyzed the potential for impacts associated with updating information on the three criteria needed to be met prior to allowing the MGMO to expire (water resources, fire protection and traffic/circulation) and with the addition of one intersection criterion to the traffic/circulation criteria list. No new impacts were identified and the impacts identified in 90-EIR-15 remained unchanged.

The current evaluation of the MGMO would extend beyond the original 20-year planning horizon, thus new build-out calculations are required. CEQA Guidelines Section 15162 requires preparation of a

supplemental EIR for a project if: 1) there are substantial changes to the project or circumstances which will result in new significant environmental effects, or increase the severity of previously identified significant effects; or, 2) if new information shows new significant effects or that significant effects previously examined will be more severe. At this time, staff anticipates that a supplemental EIR will be necessary because of recent changes in conditions and the need for updated build-out calculations.

The environmental review for this project would include evaluating the potential for new environmental impacts, including induced growth and cumulative impacts, as a result of the ordinance extension. All CEQA issue areas will be considered in the SEIR based on the updated build-out information and data provided by the Montecito service districts. Since the 1991 EIR was adopted, anticipated changes to CEQA issue areas include water resources and land use.

5.0 Processing Timeline and Requirements

Date	Task
Summer 2009	<ul style="list-style-type: none"> • Project Planning • Identification of existing and required data • Preparation and distribution of RFP's (if necessary)
Summer - Fall 2009	<ul style="list-style-type: none"> • Complete studies: water resources, fire, sewer, traffic/circulation • Montecito Planning Commission briefing • Montecito Association briefing
Winter 2009/2010	<ul style="list-style-type: none"> • Continued Public Workshops concerning study results
Spring 2010	<ul style="list-style-type: none"> • Environmental Review (Supplemental EIR expected)
Summer 2010	<ul style="list-style-type: none"> • Montecito Planning Commission Review
Summer/Fall 2010	<ul style="list-style-type: none"> • Board of Supervisors Adoption

Attachments:

- A. Existing Montecito Growth Management Ordinance (Copy available at: [http://sbcountyplanning.org/PDF/forms/LUDC/MGMO_12-2005_\(revised\).pdf](http://sbcountyplanning.org/PDF/forms/LUDC/MGMO_12-2005_(revised).pdf))
- B. Montecito Community Plan Public Facilities and Service Goals, Policies, and Actions related to the MGMO
- C. Historical Montecito Growth Management Ordinance Allocation Summary

Page Intentionally Blank

Page Intentionally Blank

ORDINANCE NO. 3916

ORDINANCE AMENDING CHAPTER 35 OF THE COUNTY CODE, ADDING CHAPTER 35B TO ESTABLISH A GROWTH MANAGEMENT ORDINANCE FOR THE MONTECITO PLANNING AREA.

(As amended by Ordinance 4105, June 22, 1993; Ordinance 4133, November 16, 1993; Ordinance 4133, November 16, 1993; Ordinance 4140, February 1, 1994; Ordinance 4148, February 15, 1994; Ordinance 4190, April 4, 1995, Ordinance 4381, December 7, 1999 and Ordinance 4587, December 6, 2005)

Revised December 2005

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 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 Planning Commission and the Board of Supervisors to allow participation and comments on the adequacy of the EIR 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) 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 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, the Montecito Planning Area currently has an average population increase of 2.26 percent per year which is 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 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; 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 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 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

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 of the existing 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 35 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, the Local Coastal Plan and Zoning Ordinances relating to water resources, circulation, public 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 Local Coastal Program consisting of land use designations, development goals and policies and zoning ordinances regulating residential, commercial and industrial development in the Montecito area. The Comprehensive Plan and Coastal Land Use 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)

- 2.2.2 “Prior to issuance of a 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 Montecito Planning Area for the last five year period from 1985-1990 has averaged 2.26 percent per year, which is in excess of the one percent annual rate 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 there is a 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 Segments of four main roadways in the Montecito Planning Area are currently operating close to or exceed the current design capacity or average daily trips identified in the current Circulation Element of the Comprehensive Plan.
- 2.3.3 Eight other roadway segments are projected to exceed the Circulation Element standards over the next twenty years if unregulated growth continues.
- 2.3.4. The South Coast of Santa Barbara County is federally designated in non-attainment for ozone and is striving to reach attainment through measures adopted in the Air Quality Attainment Plan including the encouragement of growth management.
- 2.3.5 The "Montecito Community Plan Existing Setting Report, Part I, June 1990" found that there are presently approximately 3,800 existing permitted dwelling units in the Montecito Planning Area on record with the County.

2.4 Growth Rate.

- 2.4.1 In view of the 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 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, would be the most feasible rate for providing consistency with 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 with permits to be issued according to a biannual 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, 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 and 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 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 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 biannually 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 units as identified in the 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 and coastal development permit applications sought under Articles II 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, Lot Line Adjustments, Development Plans, 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 Articles II and IV.

"Allocation" shall be defined as a written authorization which enables a property owner or agent to apply for a development permit 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 issued while this ordinance is in effect shall be issued at a rate of 19 per year. Certain projects are exempt from the annual permit allocation pursuant to Section 35B-9.

SECTION 35B-6: PROCEDURES FOR ALLOCATION.

- 6.1 Determination of points and issuance of an allocation shall be made in writing by the Resource Management Department staff on applications which do not require approval by the Zoning Administrator, 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 as a finding of approval on discretionary projects.
- 6.2 Appeals. All appeals of actions on determinations of points and allocations shall be filed within 10 calendar days of such action pursuant to Article II and Article IV 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 for which application was made, and the allocation shall run with the land.
- 6.4 Application for a 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 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 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.
- 6.7 The number of allocations assigned shall not exceed 19 per year, nine to be issued by June 15, 10 to be issued by December 15, except as otherwise provided in this ordinance. Allocations left unassigned may carry over 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. Points shall be an average of the total for 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 six month period shall be reduced accordingly.
- 6.9 Allocation must be obtained prior to commencing the County Board of Architectural Review (BAR) process. An allocation issued by the County shall expire, unless an application for BAR review has been submitted within six months of issuance. An allocation shall be valid for no longer

than three years following issuance, with one ninety day extension allowed, which may be granted by the Director of the Planning and Development Department based upon documentation of active and substantial effort toward completion of the land use permitting process. A change in the project submittal which could affect the issuance of points, the affordability of a dwelling unit, and/or the potential number of units, as determined by the Director of the Planning and Development Department, shall invalidate the issued allocation.

6.10 Appropriate fees as established by resolution shall be charged for processing allocation applications.

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 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.

a. Points for the first potential residential unit removed20

b. Points for the second and each subsequent unit potential removed10

7.2.2 Project may receive points for the following categories:

a. Project demonstrates that it 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 measurable traffic to one or more of the following roadways:

- 1. Hot Springs Road
- 2. Olive Mill Road
- 3. San Ysidro Road, south of East Valley intersection
- 4. East Valley Road, between San Ysidro and Sheffield

Number of points.....20

7.2.4 Project is within 1/4 mile walking distance along roadways from a bus stop5

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 Standard 88-3

Number of points20

7.2.6 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 slope20

7.2.7 Project site contains no mapped habitat areas15

7.2.8 Project may receive a maximum of 10 points from 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 feet undisturbed buffer around oak woodlands and individual oak trees on site5
- b. Project includes protection of mapped monarch butterfly wintering sites from development encroachment within 100 feet of the nearest butterfly tree5
- c. Project includes restoration of all disturbed and/or artificially channelized wetlands or riparian areas and surrounding stream habitats on the parcel5
- d. Project protects undisturbed or restored stream(s), creek(s), and riparian vegetation by providing a minimum buffer strip of 75 feet from the top of the bank for urban area streams and 125 feet in other areas5

7.2.9 Project site is outside 100 year floodplain10

7.2.10 Project is outside Cold Springs and Montecito Union School District Boundaries10

7.2.11 Public 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 segments5

7.2.12 Project hooks up to Montecito Sanitary District sewer system5

7.2.13 For projects that propose use of private septic 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 site5

SECTION 35B-8: *(Deleted by Ordinance 4133)***SECTION 35B-9: EXEMPTIONS**

There shall be three classes of exemptions:

9.1 Category A: Projects which are exempt from all provisions of this ordinance.

- 9.1.1 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 Sections 35-470 Santa Barbara County Zoning Ordinance, Article IV, and Section 35-142, Article II.
- 9.1.2 Facilities for supervised seniors and/or handicapped persons, or group quarters.
- 9.1.3 Reconstruction or replacement of permitted or legal nonconforming units consistent with the nonconforming use or structure provisions of Article II and Article IV.
- 9.1.4 Units subject to an approved and recorded phasing agreement under Section 2.h. of Interim Ordinance 3763.
- 9.1.5 Condominium Conversions of existing units.
- 9.1.6 Permissible structures inhabited as a dwelling unit and not requiring a land division, documented to exist prior to August 3, 1990.
- 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.

9.2 Category B: High Priority Units.

- 9.2.1 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.
- 9.2.2 Units subject to the yearly allocation permit cap, but exempt from the point allocation system: Up to the maximum number of allocations (19) shall be allowable for the following type of projects, per year. Allocations shall be made prior to the issuing of any other allocations subject to the cap for a given six month period.
 - a. Affordable units 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;

9.3 Category C: Hardship.

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

- 9.3.1. The application is for a Single Family Residence which will be occupied as the primary residence of the applicant.
- 9.3.2. The applicant is not entitled to any other exemption enumerated in the ordinance.
- 9.3.3. 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.c., but failed to receive an allocation.
- 9.3.4. Strict application of the ordinance will cause a substantial and irrevocable interference with owner's good faith, reasonable investment backed expectations.
 - 9.3.4.1 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.
 - 9.3.4.2 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.
- 9.3.5. 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 EIR.
- 9.3.6. An allocation based on hardship pursuant to this section shall automatically expire upon transfer of the property.
- 9.3.7. Decisions of the Zoning Administrator or his/her designee shall be the final decision of the County, notwithstanding the provisions of Section 35-327.3.1 of the County Code.
- 9.3.8. Applicant shall deposit fees to cover the costs of processing the exemption application pursuant to a schedule established by the Planning and Development Department.
- 9.3.9. The Zoning Administrator shall establish rules of procedure pursuant to County Code Section 2-31.

SECTION 35B-10: MODIFICATION.

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 as necessary by the Board of Supervisors to account for:

- 10.1 Changes in County-wide or Montecito Area Plans and policies. Consistency between this ordinance 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.
- 10.2 Changes in County or Montecito Area fair share of regional housing needs. Once the Housing Element is updated based on 1990 census data and new fair share estimates are produced, the residential growth rate shall be re-evaluated to ensure that affordable housing needs can be met.
- 10.3 Need for additional encouragement of the construction of affordable units.
- 10.4 Additions to or deletions from projects exempt under Section 35B-9.
- 10.5 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.
- 10.6 Need for additional point assignment categories.

SECTION 35B-11: 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-12: EXPIRATION

- 12.1. This ordinance shall expire on December 31, 2010 unless the Board of Supervisors extends its provisions by amendment. It shall also cease to be in effect at any time the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.
- 12.2. The Planning and Development Department, 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, circulation and traffic, and fire protection services. 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.
- 12.3. The Board of Supervisors shall receive the Director's report and 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.
- 12.4. 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; and

Fire Protection: The ratio of firefighters per population served has 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

Traffic and Circulation: Completion of improvements to the following roadways, intersections and interchanges identified in the Montecito Community Plan EIR, or completion of any equivalent or more effective measures:

ROADWAYS

Hot Springs Road, south of Sycamore Canyon Road
San Ysidro Road, south of North Jameson Lane

INTERSECTIONS

Hot Springs Road/Coast Village Road
Hot Springs Road/East Valley Road
Sycamore Canyon Road/East Valley Road
San Ysidro Road/North Jameson Lane

U.S. 101 INTERCHANGES

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

SECTION 2:

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

PASSED, APPROVED AND ADOPTED this 12th day of March 1991.

Page Intentionally Blank

ATTACHMENT B:

MONTECITO COMMUNITY PLAN PUBLIC FACILITIES & SERVICES GOALS, POLICIES & ACTIONS RELATED TO THE MGMO

Traffic and Circulation

GOAL CIRC-M-1A: *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.*

Policy CIRC-M-1.1: *Intersections should be designed to minimize the level of improvement necessary for a given intersection in order to achieve an acceptable Level of Service at buildout.*

Policy CIRC-M-1.2: *The County's seven-year Capital Improvement Plan shall be developed in a manner that strives to ensure that the highest priority is given to roadway improvements that will ease conditions on the most severely constrained roadways and intersections in each planning area. The priority assigned to these improvements shall account for priorities identified in the area's Community Plan, but shall be based upon the most recent available traffic data. The Capital Improvement Plan shall include improvements that facilitate alternative modes of transportation. The Capital Improvement Plan shall be updated by the Public Works Department and presented to the Planning Commission and the Board of Supervisors for review on an annual basis. The Plan shall contain a list of transportation projects to be undertaken, ranked in relative priority order, and include estimated cost, and if known, estimated delivery year for each project.*

Policy CIRC-M-1.3: *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. This reevaluation should include, but not be limited to:*

- *Redesignating roadways and/or intersections to a different classification;*
- *Reconsidering land uses to alter traffic generation rates, circulation patterns, etc.; and*
- *Changes to the County's Capital Improvement Program including reevaluation of alternative modes of transportation.*

Action CIRC-M-1.6.1: *The following roadway and intersection improvements shall be carried out in order to achieve acceptable levels of service in the Montecito Planning Area. None of these improvements are currently funded by the County; however, these improvements should be carried out as soon as funding is available.*

- i. *San Ysidro Road between North and South Jameson Lanes shall be widened from two lanes to three lanes.*
- ii. *Left turn lanes to the west and northbound approaches of the intersection of Hot Springs Road and East Valley shall be installed, resulting in LOS C at buildout.*
- iii. *A left turn lane to the eastbound approach of the intersection of Sycamore Canyon Road and Hot Springs Road shall be installed with minor roadway widening for approximately 175 feet to the west to allow LOS D at buildout or a traffic signal shall be constructed (LOS A at buildout).*

Action CIRC-M-1.6.2: *The County shall support efforts by the City of Santa Barbara and Caltrans to signalize the intersection of Olive Mill, Coast Village Road, and the U.S. 101 ramps (within the Santa Barbara City Limits) for LOS C at buildout.*

GOAL CIRC-M-1B/Policy CIRC-M-1.7: *The County Shall Continue To Develop Programs That Encourage The Use Of Alternative Modes Of Transportation Including, But Not Limited To, An Updated Bicycle Route Plan, Park And Ride Facilities, And Transportation Demand Management Ordinances.*

Policy CIRC-M-1.9: *In its long range land use planning efforts, the County should seek to provide access to retail commercial, recreational and educational facilities via transit lines, bikeways and pedestrian trails.*

Action CIRC-M-1.9.1: *The County should examine the feasibility of a Transportation Management System for the Montecito Planning Area including but not limited to a Transportation Demand Management program for commuter and student related traffic.*

GOAL CIRC-M-2: *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.*

Policy CIRC-M-2.2: *In order to preserve the narrow winding character and the extensive adjacent landscaping of roadways in Montecito, public roadways shall be constructed at a width which shall accommodate no more than two standard travel lanes. Additional pavement area shall be used only to accommodate shoulders, bicycle lanes and turn lanes.*

Policy CIRC-M-2.3: *The following segments of the Montecito Bikeway Plan shall be given priority for installation and improvement:*

- *East Valley Road*
- *Sycamore Canyon Road*
- *Channel Drive*

Fire

GOAL F-M-1: *In High Fire Hazard Areas, Strive To Ensure That Adequate Fire Protection Services And Facilities Are Available Prior To Permitting New Development.*

Water

GOAL WAT-M-1: *Pursue Sound Water Management Practices That Seek A Balance Between Supply And Demand In A Manner That Is Consistent With The Long-Term Land Use Goals Of The County And The Montecito Planning Area.*

Policy WAT-M-1.5: *When supplemental alternative water sources become available, a buffer of 10 percent between supply and demand should be maintained in reserve for periods of drought condition.*

Page Intentionally Blank

Montecito Growth Management Ordinance Allocation Summary

Allocation Period	Allocations Issued	Total (issued/available)
1991-1	15	15
1991-2	4	19/19
1992-1	8	27/28
1992-2	11	38/38
1993-1	7	45/47
1993-2	9	54/57
1994-1	8	62/66
1994-2	16	78/76
1995-1	4	82/85
1995-2	5	87/95
1996-1	11	98/94
1996-2	13	111/114
1997-1	12	123/123
1997-2	11	134/133
1998-1	10	144/142
1998-2	8	152/152
1999-1	10	162/161
1999-2	9	171/171
2000-1	8	179/180
2000-2	10	189/190
2001-1	10	199/199
2001-2	9	208/209
2002-1	8	216/218
2002-2	8	224/228
2003-1	8	232/237
2003-2	11	243/247
2004-1	9	252/256
2004-2	6	258/266
2005-1	7	265/275
2005-2	2	267/285
2006-1	8	275/294
2006-2	4	279/304
2007-1	10	289/313
2007-2	5	294/323
2008-1	4	298/332
2008-2	2	300/342
2009-1	6	306/351 ¹
2009-2		

G:\GROUP\Dev_Rev\ADMIN\MGMO\CumulativeList\AllocationHistory.doc

¹ According to Section 35B-6.7 unassigned allocations may be carried over into future years with no clarification if it would be only the following year or any subsequent years. A re-accounting of the number of allocations issued with how many could have been issued indicates the potential availability of an additional 45 allocations.