

ATTACHMENT G

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING )  
AMENDMENTS TO THE SANTA BARBARA )  
COUNTY LOCAL COASTAL PROGRAM TO )  
AMEND THE ZONING ORDINANCE, )  
ARTICLE II OF CHAPTER 35 OF THE SANTA )  
BARBARA COUNTY CODE TO ADOPT THE )  
LOT SIZE COMPLIANCE AND LOT LINE )  
ADJUSTMENT PROGRAM )  
\_\_\_\_\_ )

RESOLUTION NO.: 00 - 318  
CASE NO.: 99-GP-009  
99-OA-011

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution NO. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. In Fall of 1997, the Board of Supervisors directed the Planning and Development Department to return with recommendations regarding the issue of fraction lots in Santa Barbara County; and
- D. On November 17, 1999, a public workshop before the Planning Commission to receive input on the scope and nature of the Lot Size Compliance and Lot Line Adjustment Program; and
- E. On January 25, 2000, the Board of Supervisors initiated the Lot Size Compliance and Lot Line Adjustment Program; and
- F. Whereas pursuant to the California Environmental Quality Act Guidelines Sections 15070 and 15073.5, a Negative Declaration was completed for the program and circulated to the appropriate State agencies on March 20, 2000
- G. Whereas after holding duly noticed public hearings on the above described item, the Planning Commission recommended by Action Letter (including Resolution Nos. -02 and -03) that the Board adopt the Negative Declaration and approve of the Lot Size Compliance and Lot Line Adjustment Program to this Board by Resolution Nos. -02 and -03, pursuant to Government Code Section 65854; and

- H. The Board of Supervisors 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 amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

99-OA-011: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend **Section 35-58., Definitions**, to add a definition of a fraction lot; amend Zoning District **Sections 35-68.6.2 (Agriculture I), 35-69.6 (Agriculture II), 35-70.6.2 (Rural Residential), 35-71.6.2 (Single-Family Residential), 35-72.6.2 (Two Family Residential), 35-73.5.3 (Exclusive Residential), 35-90.7 (Resource Management), 35-76.6.3 (Medium Density Student Residential) and 35-77.6.3 (High Density Student Residential)** to exclude fractions lots from the minimum lot size exception provision; add **Section 35-170, Permit Procedures**, to establish standards for Lot Line Adjustment approval and include an exception to the minimum parcel size for parcels resulting from a lot line adjustment. Said ordinance (Case Number 99-OA-011) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- I. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.
- J. The proposed amendments are in the interest of the general community welfare, since they will clarify development standards without compromising community values, environmental quality, or the public health and safety.
- K. This Board has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.
- L. The Board will submit these amendments to the California Coastal Commission for certification on the next appropriate date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the amendment initiation provisions of Article II, Section 35-180.3, the changes described have been initiated by the Director of Planning & Development, as amendments to the Santa Barbara County Coastal Zoning Ordinance text (Article II).

3. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Local Coastal Program of Santa Barbara County.
4. The Board will submit these amendments to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair of this Board 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 Board of Supervisors.

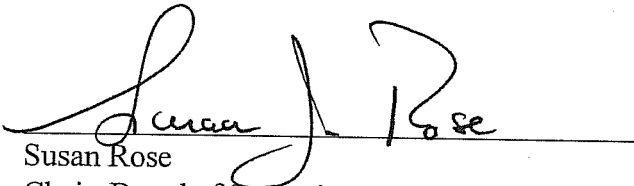
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 12th day of September, 2000, by the following vote:

AYES: Supervisors Schwartz, Rose, Marshall

NOES: Supervisors Gray, Urbanske

ABSTAINED: None

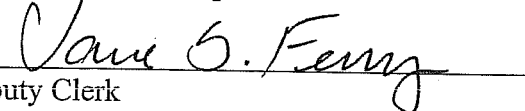
ABSENT: None

  
Susan Rose  
Chair, Board of Supervisors  
County of Santa Barbara

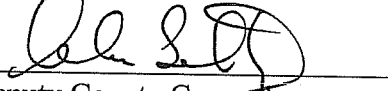
ATTEST:

APPROVED AS TO FORM:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By   
Deputy Clerk

STEPHEN SHANE STARK  
County Counsel

By   
Deputy County Counsel

EXHIBITS:

1. Ordinance Amendment to Article II (99-OA-011)

## EXHIBIT 1

### FINDINGS FOR APPROVAL OF THE PLAN AND ORDINANCE TEXT AMENDMENTS FOR THE LOT SIZE COMPLIANCE AND LOT LINE ADJUSTMENT PROGRAM

#### I. Project Description

The purpose of the proposed Lot Size Compliance and Lot Line Adjustment Program is to address impacts to the County's agricultural resources and urban areas which can result from development of substandard size fraction lots and from large scale rural lot line adjustments in both coastal and non-coastal areas. The program will address development of substandard size fraction lots and lot line adjustments that could seriously undermine agricultural viability in the rural areas as well as community density standards and infrastructure planning in urban areas, since these individual parcels were never considered within the Comprehensive Plan and community buildout projections. A basic tool to promote orderly community development is the minimum lot size requirement of a zone district. The Program accomplishes its purpose by requiring compliance with the minimum lot size standards of the applicable zone district for residential development of fraction lots and approval of lot line adjustments. The proposed lot size compliance and lot line adjustment program therefore eliminates the development eligibility of substandard sized fraction lots and provides standards and procedures for lot line adjustments to ensure consistency with the Local Coastal Program (LCP), County Comprehensive Plan, zoning and subdivision ordinances. The Planning Commission made a recommendation to the Board of Supervisors on the merits of the proposed program.

The proposed program consists of the following amendments to the LCP, Comprehensive Plan Land Use Element, zoning ordinances (Chapter 35, Articles II, III and IV) and subdivision ordinance (Chapter 21):

- 1) Define "fraction lots"; and,
- 2) Exclude substandard size fraction lots from zone districts which contain the minimum lot size exception for development eligibility (Agriculture I [AG-1], Agriculture II [AG-II], Rural Residential in Article II [RR], Residential Ranchette in Article III [RR], Residential Estate/Single-Family Residential [R-1/E-1], Two-Family Residential [R-2], Exclusive Residential [EX-1]), Resource Management [RES], Mountainous Goleta (MT-GOL) in Article III, Medium Density Student Residential [SR-M] in Article II, and High Density Student Residential [SR-H] in Article II; and
- 3) Define "nonconforming lots" in Chapter 21; and
- 4) Amend subdivision ordinance (Chapter 21) to revise the Findings language; and,
- 5) Add provisions to Chapter 21 requiring:
  - a) parcels resulting from a LLA to meet the minimum lot size requirement of the given zone district.
  - b) prohibit the use of lot line adjustments to increase subdivision potential or to increase the number of residentially developable parcels.

- c) incorporate existing state law regulations for lot line adjustments on agricultural preserve contract lands; and,
- 6) Amend Chapter 35 (Articles II, III & IV) to include standards for lot line adjustments from Chapter 21; and,
- 7) Amend Comprehensive Plan Land Use Element to revise Land Use Development Policy No. 7 (lot line adjustments involving nonconforming parcels as to size) to be consistent with the new provisions for lot line adjustments contained in Chapter 21 and Articles II, III & IV; and,
- 8) Amend Chapter 21 and the Comprehensive Plan Land Use Element to include an exception to the proposed lot line adjustment standards for land subject to the Official Map of Naples Townsite.

## II. Procedural History

1. The County first began studying substandard size lots in 1994 at the direction of the Board of Supervisors in response to the 1994 California Supreme Court case *Morehart v. County of Santa Barbara*. In this case, the Court invalidated the merger provisions of the County's 1984 Antiquated Subdivision Overlay (ASO) regulations, which had provided a mechanism under the County's zoning authority to combine antiquated, substandard size lots to conform with minimum parcel sizes specified by a zone district as a condition of development approval. On narrow grounds, the Court found that the County's merger requirement conflicted with those in the Subdivision Map Act. The Court did, however, reaffirm that the County may deny development of parcels of land for failure to meet minimum parcel size requirements of a zone district.
2. During 1997, the Board of Supervisors considered recommendations to delete the antiquated subdivision overlay regulations and adopt ordinance amendments pertaining to substandard size lots in Chapter 35 and Chapter 21. Although the Board rescinded the ASO regulations in response to *Morehart*, the Board did not adopt any other recommended ordinance amendments. Instead, it directed Planning and Development (P&D) to return with recommendations regarding the issue of fraction lots in Santa Barbara County. P&D developed a work program focused on fraction lots. On November 17, 1999, a public workshop was held before the Planning Commission to receive input on the scope and nature of the proposed ordinance amendments. While no formal recommendations were made, the Planning Commission agreed that a program should be further studied to address issues related to the development of fraction lots and LLAs.
3. The Board of Supervisors initiated the Lot Size Compliance and Lot Line Adjustment program on January 25, 2000.

4. The Planning Commission reviewed the merits of the Lot Size Compliance and Lot Line Adjustment Program during public hearings on April 26, 2000, May 24, 2000, and June 7, 2000 and recommended approval of the Program (Resolution Nos. 00-2 and 00-3) to the Board of Supervisors.
5. The Board of Supervisors reviewed the merits of the Lot Size Compliance and Lot Line Adjustment Program during public hearings on July 18, 2000, August 1, 2000, August 15, 2000 and September 5, 2000.

### **III. Planning and Consistency Findings**

In accordance with County Code Section 35-180.6. of Article II, Section 35-325.5. of Article III and Section 35-487.5. of Article IV, the following findings are made in approving the Lot Size Compliance and Lot Line Adjustment Program ordinance text amendments.

#### **B. The request is in the interest of the general community welfare**

1. Defining fraction lots will provide the general public, applicants and staff clear understanding of how a fraction lot is formed, distinguishing them from other types of substandard size lots.
2. Under the existing zoning ordinances (Articles II, III, and IV), ten zone districts contain an "exception" provision that allows owners of lots that do not meet the minimum lot size requirements of a zone district (i.e., substandard size lots) to seek a development permit for a dwelling. The ten zone districts are: Agriculture I [AG-1], Agriculture II [AG-II], Rural Residential in Article II [RR], Residential Ranchette in Article III [RR], Residential Estate/Single-Family Residential [R-1/E-1], Two-Family Residential [R-2], Exclusive Residential [EX-1]), Resource Management [RES], Mountainous Goleta (MT-GOL) in Article III, Medium Density Student Residential [SR-M] in Article II, and High Density Student Residential [SR-H] in Article II. By specifically excluding substandard size fraction lots from eligibility, the County would significantly increase its ability to regulate development in the rural and agricultural lands with regard to the introduction of previously unknown lots. Similarly, the County would eliminate the potential development of lots that could undermine density standards and infrastructure planning in urban areas.
3. Chapter 21 does not currently require the resulting parcels adjusted in a LLA to meet minimum lot size requirements. The proposed program would amend both the zoning ordinances and Chapter 21 to include additional provisions requiring that all lots resulting from a LLA meet the minimum lot size requirements of the given zone district.

Additionally, the LLA regulations would be amended to prohibit the use of lot line adjustments to increase subdivision potential or to increase the number of potentially residentially developable parcels. The effect of this action would be to ensure general planning and zoning consistency for LLAs and to prevent increased residential development potential of parcels that could undermine density standards and infrastructure planning in urban areas and agricultural viability in rural areas.

4. Chapter 21 does not currently reflect existing state law regulations for lot line adjustments on Williamson Act Contract Lands which serve to protect agricultural viability. The proposed ordinance amendment includes incorporating these regulations as required findings for all lot line adjustments on agricultural preserve contract lands. By including these regulations in the County's LLA ordinances, the County shall ensure that maintaining agricultural viability is a key criteria for all lot line adjustments on contracted agricultural lands.
  5. The definition for a nonconforming lot is currently found in the County zoning ordinances (Articles II, III & IV), not in Chapter 21, Subdivision Ordinance. Defining nonconforming lots, a term currently referenced throughout the LLA section of Chapter 21, will add clarity to this type of lot codified in the appropriate title. Additionally, consistency will improve between County government code titles by using the same definition as contained in the County zoning ordinances.
  6. In order to amend Chapter 21 to contain the minimum parcel size requirement, restrict residential development potential for substandard size nonconforming lots, and incorporate the state law regulations for lot line adjustments on agricultural preserve contract lands, the existing standards for approval of Lot Line Adjustments required modification, new language and deletion of one finding, the "average size parcel" requirement for nonconforming lots (Section 21-93.a.2).
  7. The procedures for processing and standards for approving lot line adjustments (LLA) currently are not found in the zoning ordinances. Instead, this authority is contained in the County's subdivision ordinance, Chapter 21 of the County Code. Section 66412 of the State Subdivision Map Act provides for LLAs and states in part that "An advisory agency or local agency shall not impose conditions or exactions on its approval of a LLA except to conform to local *zoning and building ordinances*." By codifying LLA regulations in the zoning ordinance the County would respond to claims that the zoning ordinance is the appropriate location of these regulations and make specific the state law requirement that zoning requirements be consistent with the General Plan.
- C. **The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article**



1. Land Use Element (LUE) - Land Use Development Policy No. 7 contains two standards for which legal, nonconforming parcels (as to size) may be found consistent with the Comprehensive Plan. Both of these standards are also identified in Chapter 21 as part of the existing findings for a LLA. The proposed Program includes new standards for LLAs, one of which is the deletion of the "average parcel size" requirement. To ensure consistency between the proposed lot line adjustment standards of the Program and the LUE, subsection "b" (average parcel size requirement) of Land Use Development Policy No. 7 is revised to include the new provision for LLAs on nonconforming as to size parcels.
  2. Adoption of the exception provision for the Official Map of Naples Townsite is consistent with the Local Coastal Plan. The Naples Townsite will be subject to the new lot line adjustment regulations unless and until a development agreement that incorporates different standards for lot line adjustments is approved by the Board of Supervisors. Any Naples Townsite development agreement will require consistency with the Local Coastal Plan, including, but not limited to Policy 2-13, which will require the County to first determine that transferring development rights is not feasible before reevaluating the current Naples Townsite zone designation.
  3. State planning and zoning law requires that the project be consistent with the Comprehensive Plan. The Ordinance Amendments retain an approval process that requires consistency with the County's Comprehensive Plan. Therefore, they are consistent with the plans and policies contained in the relevant elements of the Comprehensive Plan (i.e., Land Use, Agriculture), County service and resource policies, and the Local Coastal Program.
  4. The Ordinance amendments are consistent with State planning and zoning law and Articles II, III and IV of Chapter 35 of the County Government Code.
- D. The request is consistent with good zoning and planning practices.**
1. Recent permit activity supports County concern that an increasing trend to develop fraction lots and create major parcel reconfiguration through LLAs is occurring in the County. These "fraction lot CC applications" often directly relate to other development related permit applications, such as LLAs. While the intent of a LLA is to provide a remedy for minor access, fence or other structure encroachments on adjacent properties, multi-parcel LLAs on agricultural and urban parcels are often pursued for major parcel reconfigurations to enhance property development potential. Currently, development of substandard size lots occur without the opportunity for the County to impose certain impact fees, exactions or dedications authorized under the parcel and final map provision

of the Subdivision Map Act.

2. The objective of the Lot Size Compliance and Lot Line Adjustment Program is to address impacts to the County's agricultural resources and urban areas which can result from development of substandard size fraction lots and from large scale rural lot line adjustments in both coastal and non-coastal areas. The program will address development of substandard size fraction lots and lot line adjustments that could seriously undermine agricultural viability in the rural areas as well as community density standards and infrastructure planning in urban areas, since these individual parcels were never considered within the Comprehensive Plan and community buildout projections. The proposed lot size compliance and lot line adjustment program promotes orderly community development by requiring compliance with the minimum lot size standards of applicable zone districts, eliminating the development eligibility of substandard sized fraction lots, and providing standards and procedures for lot line adjustments to ensure consistency with County land use policies and zoning ordinances.

#### **IV. CEQA Findings**

The Board of Supervisors adopts the Negative Declaration and finds on the basis of the whole record before it that there is no substantial evidence that the General Plan and Zoning Ordinance text amendments for the Lot Size Compliance and Lot Line Adjustment Program will have a significant effect on the environment. The Board further finds that changes to the project description added after circulation of the Negative Declaration do not change its conclusion. Adding the non-conforming lot definition, revising the lot line adjustment findings language in Chapter 21, incorporating existing state law for LLAs on Agricultural Preserve contract lands, and amending the Comprehensive Plan Land Use Element to be consistent with the new LLA findings are minor changes to the Program and would not create any significant environmental effects. The addition to the project description of an exception to the minimum lot size requirement for lot line adjustments of existing adjacent parcels within the boundaries of the Naples Townsite Official Map does not require recirculation. The Naples Townsite will be subject to the LLA Program amendments unless and until a development agreement approving alternative standards is adopted by the Board of Supervisors. The possible content of such a development agreement is speculative and does not require environmental review. Moreover, any such development agreement will be subject to separate environmental review. Therefore, pursuant to CEQA Guideline section 15073.5, recirculation is not required.

#### **V. SEVERABILITY**

The Board of Supervisors declares its intent that if any provision of the ordinance amendments or Comprehensive Plan Land Use Element amendments adopted to implement the Lot Size Compliance and Lot Line Adjustment Program ("Program"), or the application of any such

provision to any person or circumstances, shall be held invalid, the remainder of these ordinance and Comprehensive Plan amendments, or the application of the remainder of these ordinance and Comprehensive Plan amendments, shall not be affected thereby, and to this end those remaining provisions are severable.

More particularly, the Board expressly finds that the ordinance and Comprehensive Plan Land Use Element amendments implementing the following Program components are severable: (1) the definition of fraction lot and its exclusion from the minimum lot size exception provision in ten zone districts; (2) new standards for approval of LLAs in the subdivision ordinance (Chapter 21) and the zoning ordinances (Articles II, III & IV); and (3) the LLA minimum lot size exception for the Official Map of Naples Townsite. The Board finds that if any of these ordinance or Comprehensive Plan Land Use Element amendments were found invalid, the Board would have separately considered and enacted the remaining valid provisions in the absence of the invalid parts.

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