



COUNTY OF SANTA BARBARA

Planning and Development

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# ***MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION***

**MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION (MPA) - This procedure is provided for under the Montecito Growth Management Ordinance No. 4763. This ordinance applies to all new development that would result in the construction of an additional residential unit within the Montecito Planning Area unless specifically exempted by the ordinance, and requires that an allocation for development be obtained prior to the approval of any development permit. The ordinance limits the number of allocations to 19 per calendar year based on a competitive point assignment system.**

## **THIS PACKAGE CONTAINS**

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- ✓ **SUBMITTAL REQUIREMENTS**
- ✓ **APPLICATION**
- ✓ **INDEMNIFICATION AGREEMENT**

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**MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION  
MONTECITO GROWTH MANAGEMENT ORDINANCE NO. 4763  
GENERAL INFORMATION AND APPLICATION PACKET  
(Revised February 2011 )**

**1. Important Dates/Schedule**

April 30	Deadline to submit application for the June biannual point assignment and land use allocation.
June 14	End of application review period by Planning and Development.
June 15	Applicants notified of point assignments and awards of land use allocations.
June 25	Deadline to file an appeal of the June 15 point assignment.
October 30	Deadline to submit application for the December biannual point assignment and land use allocation.
December 14	End of application review period by Planning and Development.
December 15	Applicants notified of point assignments and awards of land use allocations.
December 26	Deadline to file an appeal of the December 15 point assignment.

**Deadlines listed above are considered to be at 5 p.m. on the date mentioned. If this date falls on a day when Planning and Development offices are closed, the deadline is extended to 5 p.m. on the next workday.**

**2. How will the Montecito Growth Management Ordinance (MGMO) affect you?**

The MGMO:

- Limits the number of additional, new dwelling units in the Montecito Planning Area to 19 per year (nine in June and 10 in December) except for units determined to be exempt as explained in the following section.
- Provides a point assignment system for awarding points to proposed residential dwelling projects and issues land use allocations to those units with the highest number of points.
- Allows for an appeal of the point assignment within the 10 calendar days following the notification of point assignment that occurs on either June 15<sup>th</sup> or December 15<sup>th</sup>.

**3. ARE YOU EXEMPT FROM MGMO?**

The MGMO establishes three categories of exemptions:

Category A General Exemptions from All Provisions of the Ordinance: These include second residential dwelling units located in residential zone districts; facilities for supervised seniors and/or handicapped persons, or group quarters; reconstruction or replacement of permitted or nonconforming units consistent with the nonconforming provisions of the applicable zoning ordinance; conversions of existing units to condominiums; and structures that are inhabited as a dwelling unit and are documented to exist prior to August 3, 1990 that are consistent with the present zoning regulations.

Category B Affordable Housing Exemptions from the Yearly Allocation Permit Cap and/or the Point Assignment System: These include:

1. A maximum of eight affordable units per year on a first come basis that meet the County's Housing Element. These eight units are not counted against the annual limit of 19 land use allocations nor are they subject to the biannual allocation system.

2. A maximum of 19 units per year that either qualify as affordable and are in excess of the eight units described above or are market-rate units that are part of a project where 50 percent or more of the total units of the project qualify as affordable. Units exempted under this provision shall count towards the annual limit of 19 land use allocations but are not subject to the biannual allocation system.

Category C Hardship Exemptions from all Provisions of the Ordinance: A hardship exemption may be issued by the County Zoning Administrator or his/her designee, upon notice and a public hearing, based on the criteria listed in Section 8.3 of Ordinance No. 4763.

#### **4. How do you apply for a Land Use Allocation?**

- a. Submit a completed Montecito Point Assignment and Bi-Annual Allocation application including all submittal requirements exactly as stated in the application to Planning and Development. Planning and Development staff will assume that all applications are complete upon submission, and will not contact applicants regarding missing documents, etc. All applications will be deemed final as of the application deadlines shown in Section 1 above (April 30<sup>th</sup> and October 30<sup>th</sup>). Planning and Development staff will not grant points that were not specifically applied for, even though it may appear that the application is eligible to be awarded points in a particular category.
- b. Planning and Development will assign points as provided in Ordinance No. 4763 based upon information about the project contained in the application and material on file with Planning and Development. Partial points are not awarded within the point assignment categories contained in the ordinance. For example, if a total of ten points are possible in a given category, applications will be assigned either zero or ten points.
- c. Projects with the highest number of points will be awarded land use allocations within each biannual allocation period subject to the annual cap of nineteen. This number may be reduced due to successful appeals of point assignments that result in the granting of additional land use allocations from previous biannual allocation periods. Ties will be broken by lottery; lotteries will not be conducted until all appeals of point assignments have been decided.
- d. The project site is considered to be the area of disturbance of the project. This includes, but is not limited to, construction of: access roads, driveways, paved areas, retaining wall, patios, decks, accessory structures, all areas to be graded, well sites, septic system, trenching for utilities, etc.

#### **5. When must you apply for a Land Use Allocation?**

Ministerial projects that require only a Land Use Permit, Coastal Development Permit, or Zoning Clearance must receive a land use allocation prior to submitting for Board of Architectural Review or applying for a Land Use or Coastal Development Permit, or Zoning Clearance. See Section 1 above for deadlines for applications (April 30<sup>th</sup> and October 30<sup>th</sup>).

If the project requires discretionary approval by the Montecito Planning Commission or Board of Supervisors, an application for point assignment and land use allocation must accompany the discretionary permit application. The Montecito Planning Commission or Board of Supervisors will adopt the point assignment as part of the findings of approval of the project. Once approved, the project must then compete for a land use allocation in a subsequent biannual allocation period.

#### **6. How can I appeal my Point Assignment?**

Appeals of point assignments not associated with discretionary applications must be filed within the ten calendar days following the notification of point assignment on either June 15<sup>th</sup> for the first allocation period or December 15<sup>th</sup> for the second allocation period. Appeals of point assignments associated with discretionary applications must be filed within the ten calendar days following the discretionary action that adopted the point assignment.

The appeal must be based on whether the points were correctly or incorrectly assigned or not assigned

to the application. The assignment of points may only be appealed in connection with categories on the application in which points were requested. An appeal may not include requests for the award of additional points in categories that were not applied for on the application. If you feel that points were not correctly assigned, you must include materials and documentation to support your position. The Montecito Planning Commission or Board of Supervisors will consider your appeal at a noticed public hearing.

If an appeal is granted, with the result that the point assignment is increased such that the application qualifies for a land use allocation, a land use allocation will be awarded and will count toward the land use allocations normally available in the current biannual allocation period. If the available land use allocations are insufficient to distribute to all successful appellants, the number of land use allocations normally available in the succeeding biannual allocation period will be reduced accordingly.

**7. Can I reapply if I do not receive an allocation?**

Applicants who did not receive a land use allocation in one biannual allocation period may request reconsideration in following the next period without reapplication. Written requests for reconsideration must be submitted to Planning and Development prior to the deadlines set forth in Section 1 above (April 30<sup>th</sup> and October 30<sup>th</sup>). If you request reconsideration for the same project, you will not have to pay additional fees. Projects requesting reconsideration may not be modified in any substantial way, apply for new point categories, and/or submit new reports and documentation. If a project does not qualify for reconsideration, a full resubmittal and the payment of new processing fees will be required. A reconsideration or resubmitted project will be competing against all the other applications in the new biannual allocation period, some of which may be other reconsiderations, resubmittals, and/or new projects.

**8. Other important information.**

- a. An allocation will expire unless an application to the County's Montecito Board of Architectural Review is submitted to Planning and Development within the six months following the notification of point assignment and issuance of a land use allocation.
- b. An allocation will expire if a development permit or zoning clearance is not issued within the three years following the notification of point assignment and award of an allocation, except that this deadline may be extended for one 90 day period by the Director of Planning and Development, or designee, if, prior to the expiration of the three year period, the applicant submits sufficient documentation demonstrating an active and substantial effort is being made to complete the permitting process.
- c. The project submitted with an application for a Land Use Permit, Coastal Development Permit, or Zoning Clearance must be consistent with the project proposal submitted for point assignments in any category and award of an allocation. A change in the project proposal submittal that could negatively affect any awarded point assignment in any of the categories, the status of an affordable dwelling unit, and/or the potential number of units, as determined by the Director of Planning and Development, will invalidate the granted allocation.
- d. Once a Land Use Permit, Coastal Development Permit or Zoning Clearance is issued, a Minor Change to a Coastal Development Permit, Land Use Permit, or Zoning Clearance in compliance with the zoning code and Montecito Board of Architectural Review approval may be allowed within this three year period; however, an allocation may not be transferred to a revised or new permit or clearance.

**MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION  
MONTECITO GROWTH MANAGEMENT ORDINANCE NO. 4763**



**PLANNING & DEVELOPMENT  
PERMIT APPLICATION**

1. SITE ADDRESS: \_\_\_\_\_
2. 2. ASSESSOR PARCEL NUMBER: \_\_\_\_\_
3. 3. PARCEL SIZE (acres/sq.ft.): Gross \_\_\_\_\_ Net \_\_\_\_\_
4. ZONING: \_\_\_\_\_
5. COMPREHENSIVE/COASTAL PLAN DESIGNATION: \_\_\_\_\_
6. Are there previous permits/applications? no yes numbers: \_\_\_\_\_  
(include permit# & lot # if tract)
- Are there previous environmental (CEQA) documents? no yes numbers: \_\_\_\_\_
7. Number of dwelling units proposed: \_\_\_\_\_  
of Parcel Validity<sup>1</sup> (include copy of recorded document with submittal): \_\_\_\_\_

1. **Financially Responsible Person** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
(For this project)  
Mailing Address: \_\_\_\_\_  
Street City State Zip
2. **Owner:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip
3. **Agent:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip
4. **Arch./Designer:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_  
Street City State Zip
5. **Engineer/Surveyor:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_  
Street City State Zip
6. **Contractor:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_  
Street City State Zip

*I hereby certify to the best of my knowledge, the information contained in this application and all attached materials are correct, true and complete.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print name/date*

**COUNTY USE ONLY**

- |                                    |                               |
|------------------------------------|-------------------------------|
| Case Number: _____                 | Companion Case Number: _____  |
| Supervisorial District: _____      | Submittal Date: _____         |
| Applicable Zoning Ordinance: _____ | Receipt Number: _____         |
| Project Planner: _____             | Accepted for Processing _____ |
| Zoning Designation: _____          | Comp. Plan Designation _____  |

<sup>1</sup> Recorded Parcel or Final Map, Recorded Certificate of Compliance, or Conditional Certificate of Compliance, Approved Lot Line Adjustment, Recorded Reversion to Acreage, Recorded Voluntary Merger, Lot Split Plat Approved by County Pursuant to Ordinance 791.

**SUBMITTAL REQUIREMENTS FOR POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION APPLICATION  
MONTECITO GROWTH MANAGEMENT ORDINANCE NO. 4763**

The following lists the information and materials that is required for each of the categories in which points may be awarded. Failure to submit the required information and materials will result in a denial of points for that category.

**CATEGORY 7.2.1 Reduction or Elimination of Potential Residential Development**

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

- a. *Points for one or more potential primary residential units removed. (20 points)*

Points are awarded in this category based on the ability to reduce or eliminate primary residential dwelling development potential on the specific project parcel for which the allocation is sought.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.1?  Yes;  No

If yes, you must submit the following:

1. An irrevocable agreement running with the land to reduce or eliminate potential primary residential development that has been signed by the owner and approved by County Counsel (see Exhibit A: Model Irrevocable Agreement for Reduction of Potential Residential Development). If an allocation is awarded for the proposed project on the basis of this irrevocable agreement, the agreement shall be recorded against the property prior to the issuance of a development permit or zoning clearance.

Instructions: Label and attach the completed, signed and dated irrevocable agreement as Attachment 7.2.1 – A.

**OR,**

2. A Comprehensive Plan Amendment application with processing fees that reduces or eliminates potential primary residential dwelling unit development on the property is determined to be complete for processing by Planning and Development and formally Initiated by Resolution of the Montecito Planning Commission and/or Board of Supervisors, prior to the assignment of points and award of allocations in the allocation period in which the allocation application is submitted.

Instructions: Label and attach the Comprehensive Plan Amendment application and supporting documentation as Attachment 7.2.1 – B.

**CATEGORY 7.2.2 Water Use**

*Section 7.2.2 Project has obtained a Certificate of Water Service Availability or its equivalent and has submitted a conceptual water conservation plan approved by the MWD. (10 points)*

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.2?  Yes;  No

If yes, you must submit all the following information:

1. Certificate of Water Service Availability or its equivalent from the Montecito Water District (MWD) (see Exhibit B: Model MWD Certificate of Water Availability Submittal Requirements for Section 7.2.2).

2. Conceptual water conservation plan with a dated and signed MWD approval stamp.

Instructions: Label and attach the required information as Attachment 7.2.2.

### **CATEGORY 7.2.3 Traffic**

*Section 7.2.3 Project demonstrates that it does not direct vehicular access to any to any of the following roadways: (20 points)*

1. *North Jameson Lane*
2. *Olive Mill Road*
3. *Sheffield Drive between Jelinda Drive and Birnam Wood Drive*
4. *East Valley Road between Cota and Picacho Lane.*

*Direct vehicular access:* Proposed project parcels located directly on, accessed solely from, or any project-specific traffic analysis demonstrating that trips would be directed to one of the four roadways listed in Sec. 7.2.3 will not qualify for points in this category. Planning and Development will make the final determination of direct vehicle access.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.3?  Yes;  No

If yes, you must submit the following information:

Instructions: Label and attach a map showing the parcel and project site, as well as vicinity roadways and/or access easements. Graphically indicate how the property obtains access. Label as Attachment 7.2.3.

### **CATEGORY 7.2.4 Public Transit**

*Section 7.2.4 Project is within one-quarter mile walking distance along roadways from a bus stop. (5 points)*

Planning and has mapped all of the current Metropolitan Transit District (MTD) bus stops for the routes that serve the Montecito Planning Area on a map that is available at the Planning and Development Permit/Information Counter; the MTD website<sup>2</sup> also provides maps locating bus stops. Points will be awarded based on the closest walking distance along roadways and the parcel's applicable easements, as measured from the property boundary to the bus stop.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.4?  Yes;  No

If yes, you must submit the following:

1. A copy of the portion of the bus stop map that shows your project parcel and the location of nearby bus stops. Clearly identify the parcel and the bus stops.
2. If the parcel does not directly abut a public roadway, documentation establishing the easement that will be used to access the public roadway from the property.

Instructions: Label and attach the required information as Attachment 7.2.4.

### **CATEGORY 7.2.5 Fire Protection**

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<sup>2</sup> <http://www.sbmtd.gov/lib/img/map/Montecito.gif>

**Section 7.2.5** *Project complies with all of the following: (20 points)*

- a. *Travel distance from nearest Montecito Fire Protection District (MFPD) 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 MFPD Standards.*

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.5? \_\_\_\_\_ Yes; \_\_\_\_\_ No

If yes, submit a letter from the MFPD verifying that all of the criteria in Sec. 7.2.5 have been met (see Exhibit C: Montecito Fire Protection District Model Letter).

Instructions: Label and attach the letter from the MFPD as Attachment 7.2.5.

**CATEGORY 7.2.6: Water Pressure**

*Section 7.2.6 Project site is located below hydraulic grade lines or a project certificate from the Montecito Water District (MWD) and Montecito Fire Protection District (MFPD) certifying adequate water pressure and/or the installation of private water tanks and pumps for fire protection. (5 points)*

Water pressure is lower in those areas above the hydraulic grade line of the Montecito Water District's Highline reservoir systems in the following areas:

- West of Ladera Lane and Bella Vista Drive above an elevation of approximately 1,065 feet (MSL).
- Above Bella Vista Drive between Romero Canyon Road Mariposa Drive.
- Above an elevation of approximately 855 feet west of the Montecito Water District Cold Springs Reservoir (APN 013-040-002).

MWD has constructed pump stations at its Bella Vista and Terminal Reservoirs, which create isolated pressure zones above the hydraulic grade line of the reservoir system. Maps showing the areas above the hydraulic grade line are on file at the Planning and Development Permit/Information Counter.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.6? \_\_\_\_\_ Yes; \_\_\_\_\_ No

If yes, submit a topographic map for the parcel that clearly depicts contours and elevations demonstrating that the extent of the project site is located below the hydraulic grade lines described above or submit a letter from MFPD and MWD verifying that all of the criteria in Sec. 7.2.6 have been met.

Instructions: Attach a topographic map as required above or submit a letter of adequate water pressure. Label as Attachment 7.2.6.

**CATEGORY 7.2.7: High Fire Zone**

*Section 7.2.7 Project proposed for development is located is located outside of:*

- a. *High Fire or Very High Fire Zones (10 points) or*
- b. *Very High Fire Zone (5 points).*

CAL FIRE has adopted updated Fire Hazard Severity Zone maps for areas of California where the state has fiscal responsibility for fire suppression efforts. Montecito is predominantly located in the Very High Fire Hazard Severity Zone. Fire severity maps are on file at the Planning and Development Permit/Information Counter



and can be found on the CAL FIRE website.<sup>3</sup> Planning and Development staff will make the determination whether the portion of the property that would be in a High and/or Very High Fire Zone based on the maps on file.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.7? \_\_\_\_\_ Yes; \_\_\_\_\_ No

If yes, you must submit an aerial photo or topographic map showing the parcel and project site in relation to the High Fire and Very High Fire Zones. Label as Attachment 7.2.7.

### **CATEGORY 7.2.8 Slopes**

*Section 7.2.8 Portions of the site which would be disturbed for preparation and construction activities (including access, roads, structured pads, accessory structures and building, and exterior accessory areas) shall not exceed 10 percent slope. (20 points)*

The slope is to be calculated based on the topography within the area of disturbance for the activities listed above and not as an average slope for the parcel.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.8? \_\_\_\_\_ Yes; \_\_\_\_\_ No

If yes, you must submit the following:

1. A topographic map of the parcel(s) extending 25 feet beyond property lines on a 1" = 40' scale or larger, depicting natural or permitted topographical lines. Contour intervals shall be five feet or less, depending on the level of detail necessary to accurately determine the slope percentages on the site.
2. On the same map, identify all areas of the site that would be disturbed for the activities listed in Section 7.2.8.
3. Calculate and show percentage slope figures within all disturbed areas. Highlight in color all slopes in excess of 10 percent.

Instructions: Label and attach the topographic map with percentage slope information as required above as Attachment 7.2.8.

### **CATEGORY 7.2.9 Habitat Areas**

*Section 7.2.9 Project site does not contain any habitat areas. (20 points)*

Habitats are defined as those area designated with an Environmentally Sensitive Habitat (ESH) Overlay, habitats identified in the "Montecito Planning Area: Biological Resources Study" prepared by Tierney and Storrer (1990), or any site specific habitat area determination by Planning and Development's staff biologist or as the result of a Planning and Development approved biological report. The study and "Montecito Biological Habitat Map (created 10/92)" is on file at the Planning and Development Permit/Information Counter and the ESH Overlay is available on zoning overlay maps. Planning and Development staff will determine whether the project site contains habitat areas. Site visits may be conducted as necessary to verify information. Applicants may wish to hire a County qualified Biologist to verify the specific location of the habitat areas.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.9? \_\_\_\_\_ Yes; \_\_\_\_\_ No

If yes, you must submit a site plan that clearly indicates all areas of the property that will be disturbed as a result of project site development. Other supporting documentation is optional.

<sup>3</sup> [www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/fhsz\\_maps\\_santabarbara.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santabarbara.php)

Instructions: Label and attach the site plan as Attachment 7.2.9.

### **CATEGORY 7.2.10 Habitat Protection & Restoration**

*Section 7.2.10 Project may receive points in the following categories; points may be awarded only if the applicant has the ability to site the project so that it would be located closer than the distances specified:*

- a. Project protects oak trees and oak woodland areas by providing a minimum of a 25-foot undisturbed buffer around all oak woodlands and all mature individual oak trees on site, as measured from the tree trunk. (10 points)*
- b. Project protects mapped monarch butterfly wintering sites from development by providing a minimum 100-foot undisturbed buffer from all butterfly trees. (10 points)*
- c. Project includes restoration of all disturbed and/or artificially channelized wetlands or riparian areas and surrounding stream habitats on the parcel. (10 points)*
- d. Project protects undisturbed or restored stream(s), creek(s), and riparian vegetation by providing a minimum 75-foot undisturbed buffer strip from the top of the bank for urban area streams and 125 feet in other areas. (10 points)*

In order to apply for points under subsections that specify a buffer area or distance, it must be possible to develop the project site within the buffer area or minimum distance sited above, but the project is being proposed to stay outside of the minimum buffer or distance.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.10(a)?  Yes;  No

If yes, you must submit the following:

1. A site plan for the entire parcel and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, landscaping, and any other areas that would be disturbed by the proposed project.
2. On the same site plan, show the location of all oak trees and oak woodland areas on the parcel and within 25 feet of the parcel boundaries. Show the proposed minimum 25-foot buffer area around all oak trees in the vicinity of the proposed development disturbance and landscaping as measured from the tree trunk.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.10(a).

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.10(b)?  Yes;  No

If yes, you must submit the following:

1. A site plan for the entire parcel and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, landscaping, and any other areas that would be disturbed by the proposed project.
2. On the same site plan, show any mapped monarch butterfly wintering sites on the project site and within 100 feet of the parcel boundaries. Show the proposed 100-foot buffer around the butterfly sites from any existing and proposed development, landscaping or disturbance.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.10(b).

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.10(c)? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit the following:

1. A site plan for the entire parcel and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, landscaping and any other areas that would be disturbed by the proposed project including all items 1-3 Section 7.2.8 above. On this same site plan, show the location of all (natural and/or artificially channelized) creeks, streams, other wetland areas, and riparian vegetation.
2. A biological report prepared by a County qualified biologist that describes the existing condition of the habitat. If the habitat is disturbed and/or artificially channelized, provide a restoration plan prepared by the County qualified biologist.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.10(c).

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.10(d)? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit the following:

1. A site plan for the entire parcel and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, landscaping and any other areas that would be disturbed by the proposed project. On this same site plan, also show the location of all creeks, streams, or other wetland areas, and riparian vegetation including any creek, stream or wetland located within 75 feet of parcel boundaries in the urban areas and within 125 feet of parcel boundaries in rural areas.
2. A biological report prepared by a County qualified biologist that describes the condition of the habitat. If the habitat is undisturbed or restored, show protection of the habitat through the provision of a minimum buffer strip of 75 feet from either side of the top of the bank for urban streams and for other areas show a minimum of 125 feet from the top of bank. In order to be awarded points in this category the proposed project site must otherwise be able to be developed within the 75-foot or 125-foot buffer area.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.10(d).

### **CATEGORY 7.2.11 Flood Hazard**

*Section 7.2.11 Project proposed for development is located outside the 100-year floodplain. (10 points)*

In order to qualify for these points, the project site must be located outside the boundaries of the 100-year floodplain. However, if a recent engineering study shows that a change in the floodplain maps is warranted, this new information will be considered. This change in the maps must be verified by the Santa Barbara County Flood Control District and a letter to that effect submitted with this application.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.11? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit a letter from the Santa Barbara County Flood Control District verifying that the proposed project site is located outside of the 100-year floodplain (see Exhibit D: Model Santa Barbara County Flood Control District Flood Hazard Determination Letter).

Instructions: Label and attach the Flood Hazard Inquiry Letter required as Attachment 7.2.11.

**CATEGORY 7.2.12 School Districts**

*Section 7.2.12 Project is outside Cold Springs and Montecito Union School District boundaries. (10 points)*

Planning and Development has mapped the area that lies outside of the boundaries of the Cold Springs and Montecito Union School Districts. The map is available at the Planning and Development Permit/Information Counter.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.12? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit a copy of the portion of the school district boundaries map that shows the lot on which your project parcel is proposed. Clearly identify the subject property

Instructions: Label and attach a copy of this portion of the map as Attachment 7.2.12.

**CATEGORY 7.2.13: Public Pathways and Trails**

*Section 7.2.13 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. (20 points)*

Trail and/or pathway easements or offers of dedication that were either required as a condition of approval of a previous permit or are existing at the time of application for allocation are not eligible for the award of points in this category.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.13? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit the following:

1. A site plan for the parcel drawn to scale showing the parcel and location of any existing or proposed public pathways and or hiking and/or equestrian trails along public rights-of-way or connecting other public pathways or trail segments.
2. An offer to dedicate (in perpetuity) an easement for the new pathway(s) or trail(s) (see Exhibit E: Model Offer to Dedicate Public Easement) as shown on the site plan required above, approved by the County Park Department or the County Public Works Department, as applicable (see Exhibit E and Exhibit F: Model Acceptance of Easement Offer). If points are awarded in this category and an allocation is granted for the proposed project, the offer to dedicate shall be fully executed by the Board of Supervisors and recorded against the property prior to issuance of a Land Use Permit, Coastal Development Permit, or Zoning Clearance.

Instructions: Label and attach the site plan and the offer to dedicate approved by the County as Attachment 7.2.13 – A and Attachment 7.2.13 – B, respectively.

**CATEGORY 7.2.14: Right-of-Way Encroachments**

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

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.14? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit documentation of Right-of-Way (ROW) encroachment status including a site plan of the parcel, photographs, any ROW encroachment permit history, and verification of ROW status from the Public Works Encroachment Division. ROW Encroachment permits are on file with the Santa Barbara County Public Works Department Encroachment Permit Division. Planning and Development staff will make the determination

whether the ROW conforms to the County's encroachment policies.

Instructions: Label and attach documentation, photographs, encroachment permit history, and Public Works Department verification as Attachment 7.2.14.

### **CATEGORY 7.2.15: Sanitary District**

*Section 7.2.15 Project connects to Montecito Sanitary District sewer system. (5 points)*

Projects may not receive points under both Categories 7.2.15 and 7.2.16.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.15? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit a letter from the Montecito Sanitary District (see Exhibit G: Model Montecito Sanitary District Sewer Certification Letter) certifying that the project site is currently located within the District's boundaries and will be served by the District's sewer system.

Instructions: Label and attach the Montecito Sanitary District letter as Attachment 7.2.15.

### **CATEGORY 7.2.16: Private Septic Systems**

*Section 7.2.16 For projects that propose use of private sewage disposal systems, soil type indicates a less than moderate restriction for sanitary facilities, as indicated on the Soil Conservation Service Maps, unless the factors which indicate a moderate or severe restriction are not present on the specified project site. (5 points)*

Projects may not receive points under both Categories 7.2.15 and 7.2.16. Planning and Development has mapped the soils that have a less than moderate (i.e., "slight") restriction for septic systems on a map that is available at the Planning and Development Permit/Information Counter. If you can document that the reason for the restriction no longer exists (e.g., flooding potential eliminated) or that the soil type was incorrectly mapped, and confirm this documentation with the County Public Health Department, Environmental Health Services, Planning and Development will consider the information.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.16? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit a copy of a portion of the soils map available from Planning and Development that shows the location of the proposed private septic system, and, if the area is shown as moderately restricted or greater for septic systems, submit any documentation, confirmed by the County Public Health Department, Environmental Health Services, that shows the reason the restriction no longer exists.

Instructions: Label and attach the portion of the soils map and any other documentation regarding restrictions for septic systems as Attachment 7.2.16.

**EXHIBIT A: Model Irrevocable Agreement for Reduction of Potential Residential  
Development**

Submittal Requirements for Section 7.2.1

RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:

County of Santa Barbara  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101  
Attn: Julie Harris

**IRREVOCABLE AGREEMENT FOR REDUCTION OF  
POTENTIAL RESIDENTIAL DEVELOPMENT**

This agreement for reduction of potential primary residential development is made by \_\_\_\_\_ (hereinafter Owner) and provided to the County of Santa Barbara (hereinafter County) pursuant to Section 7.2.1 of the Montecito Growth Management Ordinance (MGMO), Santa Barbara County Ordinance No. 4763.

WHEREAS:

- A. Owner is the owner of that certain real property (hereinafter Property) located in the unincorporated area of the County of Santa Barbara known as Montecito and identified as Assessor's Parcel No(s). \_\_\_\_\_ and \_\_\_\_\_, as more particularly described in the attached Exhibit A.
- B. The Property is approximately \_\_\_\_\_ acres in size and is subject to a current zone district of \_\_\_\_\_, \_\_\_\_\_ acres minimum parcel size, under [*applicant choose the ordinance that applies*] Article II of Chapter 35 of the Santa Barbara County Code (Coastal Zoning Ordinance) OR Chapter 35 of the Santa Barbara County Code Montecito Land Use and Development Code (MLUDC Inland Area).
- C. Owners are seeking from the County approval to construct a residence on the property.
- D. Pursuant to the County's MGMO, Section 7.2.1, allocation points are awarded for projects that include an irrevocable agreement running with the land that reduces or eliminates certain potential residential development.
- E. Owner seeks to satisfy the requirements set forth in Section 7.2.1 by execution and recordation of this irrevocable agreement for reduction of certain potential residential development.

NOW, THEREFORE, OWNER AGREES AS FOLLOWS:

1. REDUCTION OF POTENTIAL DEVELOPMENT

Subject to discretionary approvals, in the absence of the MGMO, the Property, which consists of \_\_\_\_\_ [e.g., two] separate legal lots, could have a potential development of \_\_\_\_\_ [e.g., two] residential dwellings. Owner hereby agrees to a reduction in the residential

development potential of the Property, such that only \_\_\_\_\_ [e.g., one] primary residential dwelling, together with such accessory uses, building, structures as may be authorized under the applicable zoning ordinances, shall be permitted to be constructed on the Property.

2. COMPLIANCE WITH COUNTY REQUIREMENTS

This agreement relates only to the reduction of building potential for the award of a land use allocation, pursuant to the MGMO, and shall not be considered as permission or authorization to construct any residential dwelling and accessory uses, building or structures; compliance with all required permitting procedures of the County of Santa Barbara applicable to the Property remains necessary.

3. COVENANTS RUNNING WITH THE LAND

Owner hereby declares that the property is held and hereafter shall only be held, conveyed, hypothecated, encumbered, leased, rented used, and occupied subject to the restrictions on this agreement. Such restrictions are intended to constitute both equitable servitudes and covenants running with the land.

4. BINDING ON SUCCESSORS

The obligations contained in this agreement run with the property and shall be binding upon Owner's successors, assigns, heirs, personal representatives, grantees, lessees, sub lessees, contract purchasers, and any subsequent owner of the Property. Any purchaser of the Property by acceptance of a deed therefore, whether from Owner or from any subsequent owner of the Real Property, or by the signing of a contract or agreement to purchase the same, shall, by the acceptance of such deed or by the signing of such contract or agreement, be deemed to have consented to and accepted the covenants, conditions, restrictions, and limitations set forth in this agreement.

5. RECORDATION OF DECLARATION

Owner agrees to record this agreement following award of an allocation to build a residential dwelling on the Property and prior to the issuance of the Land Use or Coastal Development Permit, or Zoning Clearance for said dwelling.

6. RIGHTS AND RESPONSIBILITIES

This irrevocable agreement to reduce potential development is intended only to reduce the building potential of the property and to preclude any development, use and maintenance of the property by owner, successor or assigns other than as specifically permitted pursuant to this agreement.

Nothing contained herein shall be construed as a grant or other conveyance to the county of a fee interest in the Property or any portion thereof. Owner shall retain the exclusive right to use and the sole responsibility and expense to maintain the property. The County shall not become obligated in any way to maintain, improve or otherwise expend funds in connection with the real property.

IN WITNESS WHEREOF, the Owner has executed this Irrevocable Agreement to Reduce Potential Primary Residential Development on \_\_\_\_\_, 20\_\_.

(Signature must be notarized) \_\_\_\_\_

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

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



**EXHIBIT B: Model Montecito Water District Certificate of Water Service Availability and Verification of Valid Landscape Water Conservation Plan**  
Submittal Requirements for Section 7.2.2

*(Montecito Water District Letterhead)*

To County of Santa Barbara Planning and Development Department:

RE: County of Santa Barbara Montecito Growth Management Ordinance (No. 4763)

Certification Required for the Issuance of Points Pursuant to Sections 7.2.2 of the MGMO (Ord.4763), concerning water availability and water conservation

Montecito Water District (MWD) has received the following application for water service availability:

*(Date of Application)*

*(Name of Applicant)*

*(Service Address)*

*(APN's)*

*(Project Description)*

Having reviewed the application and project site plan for a new dwelling prepared by *(insert architect and date of plans)*, and having considered MWD's available water supply, MWD hereby notifies your office that MWD can and will serve the subject property in accordance with following limitations:

1. Maximum Available Quantity of water shall be *(acre feet per year)*
2. *(Insert conditions)*

This notification represents a determination of water availability as of the date of this application. MWD's provision of water shall be contingent upon the property owner's completion of all obligations to the MWD associated with the project indentified herein and shall remain subject, at all times, to MWD's ordinances and requirements.

Montecito Water District\_\_\_\_\_ Date\_\_\_\_\_

Property Owner\_\_\_\_\_ Date\_\_\_\_\_

**EXHIBIT C: Model Montecito Fire Protection District Letter**  
Submittal Requirements for Section 7.2.5

*(Montecito Fire Protection District Letterhead)*

*(Date)*

Santa Barbara County  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Montecito Growth Management Ordinance (No. 4763)

Certification Required for the Issuance of Points Pursuant to Sections 7.2.5 of the Ordinance  
Concerning Fire Protection

Project Site Assessor's Parcel Number: \_\_\_\_\_  
Project Site Address (if assigned): \_\_\_\_\_

As required for the allocation of points pursuant to Section 7.2.5 (a), (b), and (c), the Montecito Fire Protection District hereby certifies that the project complies with all of the following:

- a. Travel distance from nearest M.F.P.D. fire station to proposed structure is less than three (3) miles.
- b. Response time for fire apparatus from fire station to proposed structure does not exceed five (5) minutes.
- c. The project shall be served by a fire district-approved water supply system that satisfies fire flow criteria identified in Montecito Fire Protection District Standard 88-3.

Sincerely,

\_\_\_\_\_  
Fire Chief

BY

\_\_\_\_\_  
Fire Marshal

**EXHIBIT D: Model Santa Barbara County Flood Control District  
Flood Hazard Determination Letter  
Submittal Requirements for Section 7.2.2**



**Santa Barbara County Flood Control & Water  
Conservation District and Water Agency**

123 E. Anapamu Street, Santa Barbara, California 93101  
(805) 568-3440 FAX: (805) 568-3434  
Web: <http://www.countyofsb.org/pwd/water>

Scott McGolpin  
Public Works Director

Thomas D. Fayram  
Deputy Public Works Director

**FLOOD HAZARD DETERMINATION**

For Mandatory Flood Insurance Requirement Only

A P N: \_\_\_\_\_

Date In: \_\_\_\_\_

Received By: \_\_\_\_\_

Time In: \_\_\_\_\_

Flood Zone: \_\_\_\_\_

Agency Requesting Inquiry: \_\_\_\_\_

Address: \_\_\_\_\_

Person To Contact: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Reply Requested: Written: \_\_\_ Verbal: \_\_\_ Fax Number: \_\_\_\_\_

Date of Reply: \_\_\_\_\_ Date of Pmnt: \_\_\_\_\_ Amount: \_\_\_\_\_

\*\*\*\*\*

**FIRM DATA:**

NFIP Community Name & Number: \_\_\_\_\_

County Name: \_\_\_\_\_ State: \_\_\_\_\_

Map and Panel Number: \_\_\_\_\_ Suffix: \_\_\_\_\_

FIRM Index Date: \_\_\_\_\_ FIRM Panel Effective/Revised Date: \_\_\_\_\_

FIRM Zone(s): \_\_\_\_\_ Base Flood Elevation(s) \_\_\_\_\_  
(Zone AO, use depth of flooding)

Source of BFE data:  FIS Profile  FIRM  Other (describe) \_\_\_\_\_

Datum used for BFE:  NGVD 1929  NAVD 1988  Other (describe) \_\_\_\_\_

Subject to 100 Year Flood? \_\_\_\_\_ Comments: \_\_\_\_\_

Flood Insurance Required? \_\_\_\_\_ ☆ \_\_\_\_\_

Inquiry Researched By: \_\_\_\_\_

Reviewed By Floodplain Manager: \_\_\_\_\_

☆ FLOOD HAZARD ZONES AND INSURANCE REQUIREMENTS ARE DEFINED ON REVERSE

**EXHIBIT E: Model Offer to Dedicate Public Pathway or Trail Easement**  
Submittal Requirements for Section 7.2.13

RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:

County of Santa Barbara  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101  
Attn: Julie Harris

OFFER TO DEDICATE PUBLIC [PATHWAY OR TRAIL EASEMENT]

This offer to dedicate a [e.g., public trail easement is made by \_\_\_\_\_ (hereinafter Owner) and provided to the County of Santa Barbara (hereinafter County) pursuant to Section 7.2.13 of the Montecito Growth Management Ordinance (MGMO), Santa Barbara County Ordinance No.4763.

WHEREAS:

- A. Owner is the owner of that certain real property (hereinafter Property) located in the unincorporated area of the County of Santa Barbara known as Montecito and identified as Assessor's Parcel No. \_\_\_\_\_, as more particularly described in the attached Exhibit A.
- B. The Property is approximately \_\_\_\_\_ acres in size and is subject to a current zone district of \_\_\_\_\_, \_\_\_\_\_ acres minimum parcel size, under [*applicant choose the ordinance that applies*] Article II of Chapter 35 of the Santa Barbara County Code (Coastal Zoning Ordinance) OR Chapter 35 of the Santa Barbara County Code Montecito Land Use and Development Code (MLUDC Inland Area).
- C. Owners are seeking from the County approval to construct a dwelling on the property.
- D. Pursuant to the MGMO, Section 7.2.13, allocation points are awarded for projects that include an irrevocable offer to dedicate a public pathway or trail adjacent to or along public right-of-ways and/or which connect other public pathways or trail segments.
- E. Owner seeks to satisfy the requirements set forth in Section 7.2.13 by recordation of this irrevocable offer to dedicate a [e.g., pathway or trail].

NOW, THEREFORE, OWNER AGREES AS FOLLOWS:

1. OFFER TO DEDICATE PUBLIC PATHWAY OR RIDING AND HIKING TRAIL

Owner does hereby makes an irrevocable offer to dedicate an easement to the County of Santa Barbara for pedestrian, public riding and/or hiking purposes contingent on obtaining a land use allocation. This offer may be accepted by the County prior to the issuance of a Land Use/Coastal Development Permit or Zoning Clearance to construct a dwelling on the Property or, if not accepted by County at that time, this offer may be accepted at any time thereafter. If determined necessary by the County, the easement shall be staked and surveyed by the Owner in a location acceptable to the County, and shall be granted to the County according to the standard legal form approved by the County and County Counsel, and recorded prior to the issuance of a Land Use/Coastal Development Permit or Zoning Clearance to construct a dwelling on the Property or such other time as determined by County.

2. COMPLIANCE WITH COUNTY REQUIREMENTS

This agreement relates only to the dedication of a public pathway or riding and hiking trail for the award of a land use allocation, pursuant to the MGMO, and shall not be considered as permission or authorization to construct any residential dwelling and accessory uses, building or structures; compliance with all required permitting procedures of the County of Santa Barbara applicable to the Property remains necessary.

3. COVENANTS RUNNING WITH THE LAND

Owner hereby declares that the property is held and hereafter shall only be held, conveyed, hypothecated, encumbered, leased, rented used, and occupied subject to this offer of dedication. Such offer is intended to constitute both equitable servitudes and covenants running with the land.

4. BINDING ON SUCCESSORS

The obligations contained in this offer run with the property and shall be binding upon Owner's successors, assigns, heirs, personal representatives, grantees, lessees, sub lessees, contract purchasers, and any subsequent owner of the Property. Any purchaser of the Property by acceptance of a deed therefore, whether from Owner or from any subsequent owner of the Real Property, or by the signing of a contract or agreement to purchase the same, shall, by the acceptance of such deed or by the signing of such contract or agreement, be deemed to have consented to and accepted the covenants, conditions, restrictions, and limitations set forth in this offer.

5. RECORDATION OF DECLARATION

Owner agrees to record this offer of dedication following award of an allocation to build a dwelling on the property and prior to the issuance of the Land Use/Coastal Development Permit, or Zoning Clearance to construct a single-family dwelling on the Property.

6. RIGHTS AND RESPONSIBILITIES

This offer to dedicate a public pathway or public riding and hiking trail easement is intended only to attempt to secure the award of a land use allocation pursuant to the MGMO. Nothing contained herein shall be construed as a grant or other conveyance to the county of a fee interest in the property or any portion thereof. Owner shall retain the exclusive right to use and

the sole responsibility and expense to maintain the property except as otherwise provided in any subsequent grant of a public riding and hiking trail easement to the County. The County shall not become obligated in any way to maintain, improve or otherwise expend funds in connection with the real property.

IN WITNESS WHEREOF, the Owner has executed this Offer to Dedicate a Public Pathway or Riding and Hiking Trail Easement on \_\_\_\_\_, 20\_\_.

(Signature must be notarized) \_\_\_\_\_

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

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

**EXHIBIT F: Model County Acceptance of Easement Offer**  
Submittal Requirements for Section 7.2.13

*(County Parks or Public Works Department Letterhead)*

*(Date)*

*(Addressee)*

Re: Offer to dedicate public [e.g., pathway or trail] on (Property Address), (Assessor Parcel Number)

Dear \_\_\_\_\_:

The County Parks (or Public Works) Department hereby accepts your proposal to dedicate a public \_\_\_\_\_ [e.g., pathway or riding and hiking trail] through your property addressed as \_\_\_\_\_, APN \_\_\_\_\_.

To actuate dedication, it will be necessary for you to identify a \_\_\_\_\_ [e.g., pathway or riding and hiking trail] as approved by the County Parks (or Public Works) Department, provide for a legal survey of the proposed easement to accompany a Grant of Easement dedication for public \_\_\_\_\_ [e.g. pathway or riding and hiking trail] use, provide a preliminary title report and subordinate any liens to the trail grant and, finally, acceptance of the Grant by the County Board of Supervisors.

It is not the intention of this letter to grant any sort of development approval. Thank you for your proposal to dedicate this public \_\_\_\_\_ [e.g., pathway or riding and hiking trail] easement to the County of Santa Barbara.

Sincerely,

\_\_\_\_\_  
[e.g., Park Planner or Alternative Transportation Manager]

**EXHIBIT G: Model Montecito Sanitary District Sewer Certification Letter**

**Submittal Requirements for Section 7.2.15**

*(Montecito Sanitary District Letterhead)*

*(Date)*

Santa Barbara County  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Montecito Growth Management Ordinance (No. 4763)

Certification Required for the Issuance of Points Pursuant to Sections 7.2.15 of the Ordinance Concerning Sanitary Service.

Project Site Assessor's Parcel Number: \_\_\_\_\_

Project Site Address (if assigned): \_\_\_\_\_

As required for the allocation of points pursuant to Section 7.2.15, the Montecito Sanitary District hereby certifies that:

1. The above project site is located within the existing boundaries of the Montecito Sanitary District.
2. Public sewers are available to serve the above project site.
3. This district can provide service to the above project site in accordance with District regulations.

Sincerely,

\_\_\_\_\_  
*(signature)*

Date: \_\_\_\_\_