



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. 3916 originally adopted by the County Board of Supervisors on March 12, 1991. 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 coastal or land use permit. The ordinance limits the number of allocations to 19 per calendar year based on a competitive point assignment system.**

## THIS PACKAGE CONTAINS

- ✓ SUBMITTAL REQUIREMENTS
- ✓ APPLICATION

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**MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION  
MONTECITO GROWTH MANAGEMENT ORDINANCE NO. 3916  
GENERAL INFORMATION AND APPLICATION PACKET  
(Revised August 2004)**

**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 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; units subject to an approved and recorded phasing agreement under Section 2.h of Interim Ordinance No. 3763; conversions of existing units to condominiums; 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; projects that received final approval by the County Board of Architectural Review (BAR) prior to March 12, 1991, including projects under appeal of a BAR decision as of March 12, 1991 where the project was subsequently granted approval.

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 and Planning and Development Housing Guidelines requirements. 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 9.3 of Ordinance No. 3916.

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

- a. Submit a completed the 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. 3916 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 or Coastal Development Permit must receive a land use allocation prior to submitting for Board of Architectural Review or applying for a Land Use or Coastal Development Permit. 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 Zoning Administrator, Planning Commission or Board of Supervisors, an application for point assignment and land use allocation must accompany the discretionary permit application. The Zoning Administrator, 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 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>). Projects requesting reconsideration may not be modified in any substantial way, apply for new point categories, and/or submit new reports and documentation without the payment of additional processing fees. A project requesting reconsideration will be competing against all the other applications in the new biannual allocation period, some of which will be other reconsiderations and some of which will be new projects. If you request reconsideration for the same project, you will not have to pay additional fees.

## **8. Other important information.**

- a. An allocation will expire unless an application to the County 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. A land use allocation will also expire if a Land Use or Coastal Development Permit is not issued within the three years following the notification of point assignment and award of a land use 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 or Coastal Development Permit must be consistent with the project submitted for point assignment and award of a land use allocation. A change in the project submittal that could affect the point assignment, the affordability of a dwelling unit, and/or the potential number of units, as determined by the Director of Planning and Development, will invalidate the issued land use allocation.

**MONTECITO POINT ASSIGNMENT AND BI-ANNUAL ALLOCATION  
MONTECITO GROWTH MANAGEMENT ORDINANCE NO. 3916**



**PLANNING & DEVELOPMENT  
PERMIT APPLICATION**

- 1. SITE ADDRESS: \_\_\_\_\_
- 2. ASSESSOR PARCEL NUMBER: \_\_\_\_\_
- 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: \_\_\_\_\_
- 8. Proof of Parcel Validity<sup>1</sup> (include copy of recorded with submittal)

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

*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: _____
Supervisory 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. 3916**

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 a Comprehensive Plan designation that reduces or eliminates potential residential development.*

- a. *Points for the first potential residential unit removed. (20 points)*
- b. *Points for the second and each subsequent unit potential removed. (10 points)*

Points are awarded in this category based on the ability to reduce or eliminate residential development potential on the specific project lot 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 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 land use or coastal development permit.

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 residential development on the property and is able to be deemed complete for processing by Planning & Development 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 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. (10 points)*
- 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. (10 points)*

Points may be awarded for both (a) and (b).

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

If yes, you must submit the following all of the information required in Exhibit B: Submittal Requirements for Section 7.2.2(a).

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

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

If yes, you must submit the following:

1. A hydrology report from a registered geologist that clearly shows the location of the on-site well(s) and clearly demonstrates that the well(s) draw from a perennial water source located outside of the Montecito Groundwater Basin.

**OR**

2. A letter from the City of Santa Barbara verifying that the proposed residential unit(s) has a water allotment from the City (see Exhibit C: Model City of Santa Barbara Water Commitment Letter).

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

**CATEGORY 7.2.3 Traffic**

*Section 7.2.3 Project demonstrates that it does not direct measurable traffic to one or more of the following roadways: (20 points)*

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

Planning & Development will make the determination that the “project demonstrates that it does not direct measurable traffic to one or more of the roadways listed above in Sec. 7.2.3. based on, but not limited to, the following criteria:

- Traffic generation will be based on an average of 10 vehicle trips per day per residential unit proposed.

- It shall be assumed that proposed projects located directly on or that are accessed solely from one of the four roadways listed in Sec. 7.2.3 have a measurable traffic impact by contributing 10 average daily trips per residential unit.

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

Instructions: Label and attach a site plan indicating how the property obtains access as Attachment 7.2.3.

#### **CATEGORY 7.2.4 Public Transit**

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

Planning & Development 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 & Development Permit/Information Counter. This map serves as the official bus stop map for the purposes of implementing the Montecito Growth Management Ordinance. Points will be awarded based on the closest walking distance along roadways 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 the parcel on which your project is proposed and the location of any 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**

*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 Standard 88-3.*

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

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

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

**CATEGORY 7.2.6 Slopes**

*Section 7.2.6 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 7.2.6? \_\_\_\_\_ 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. Contour intervals shall be a two feet or five feet, 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 7.2.6.
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 7.2.6.

**CATEGORY 7.2.7 Mapped Habitat Areas**

*Section 7.2.7 Project site contains no mapped habitat areas. (15 points)*

Mapped habitats are defined as those habitats identified in the "Montecito Planning Area: Biological Resources Study" prepared by Tierney and Storrer (1990), including any amendments to such study that are necessary to incorporate new information as it becomes available and is approved by the County. The official study and "Montecito Biological Habitat Map (created 10/92)" are on file at the Planning & Development Permit/Information Counter. Planning & Development staff will make the determination whether the portion of the property that would be disturbed by the proposed development contains mapped habitat areas based on the official study/maps on file. Site visits will be conducted as necessary to verify information shown on the official habitat maps. Applicants may wish to hire a County approved Biologist to verify the specific location of the mapped habitat areas on their property if they feel that the portion of the property that would be disturbed by the project does not contain the habitat as mapped.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.7? \_\_\_\_\_ 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 development.

Instructions: Label and attach the site plan as Attachment 7.2.7.

**CATEGORY 7.2.8 Habitat Protection & Restoration**

*Section 7.2.8 Project may receive a maximum of ten 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' undisturbed buffer around oak woodlands and individual oak trees on site. (5 points).*
- b. Project includes protection of mapped monarch butterfly wintering sites from development encroachment within 100' of the nearest butterfly tree. (5 points)*
- c. Project includes restoration of all disturbed and/or artificially channelized wetlands or riparian areas and surrounding stream habitats on the parcel. (5 points)*
- d. Project protects undisturbed or restored stream(s), creek(s), and riparian vegetation by providing a minimum buffer strip of 75' from the top of the bank for urban area streams and 125' in other areas. (5 points)*

You may apply for only two of the subsections (a) through (d) for a maximum of 10 points. In order to apply for points under subsections that specify a buffer area or distance, the project must have the ability to be developed within that buffer area or distance such that if the project is developed as proposed in this application, it will provide protection of these habitats. For subsection (a), measurement of 20 feet undisturbed buffer is from the trunk of the tree.

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.8(a)?  Yes;  No

If yes, you must submit the following:

1. A site plan and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, and any other areas that would be disturbed by the proposed project as provided in Section 7.2.6 above. For lots of one or more acres in size, an aerial photograph must be submitted with the lot boundaries delineated.
2. On the same site plan, show the location of all oak trees and oak woodland areas on the lot. Show the proposed 20 foot buffer area around all oak trees in the vicinity of the proposed development, as measured from the tree trunk.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.8(a).

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.8(b)?  Yes;  No

If yes, you must submit the following:

1. A site plan and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, and any other areas that would be disturbed by the proposed project as provided in Section 7.2.6 above. For lots of one or more acres in size, an aerial photograph must be submitted with the lot boundaries delineated.
2. On the same site plan, show any mapped monarch butterfly wintering sites on the site. Show the proposed 100 foot buffer around the butterfly sites from any existing and proposed development.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.8(b).

ARE YOU APPLYING FOR POINTS UNDER SECTION 7.2.8(c)?  Yes;  No

If yes, you must submit the following:

1. A site plan and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, and any other areas that would be disturbed by the proposed project as provided in Section 7.2.6 above. On this same site plan, show the location of all (natural and/or artificially channelized) creeks, streams, and other wetland areas. For lots of one or more acres in size, an aerial photograph must be submitted with the lot boundaries delineated.
2. A biological report prepared by a County approved 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 approved biologist.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.8(c).

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

If yes, you must submit the following:

1. A site plan and photographs showing all existing and proposed structures, driveways, parking areas, areas of proposed grading, and any other areas that would be disturbed by the proposed project as provided in Section 7.2.6 above. On this same site plan, also show the location of all creek, streams, or other wetland areas, and riparian vegetation. For lots of one or more acres in size, an aerial photograph must be submitted with the lot boundaries delineated.
2. A biological report prepared by a County approved 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 125 feet in other areas. In order to be awarded points in this category the proposed project must be able to be developed within the 75 or 125 foot buffer area.

Instructions: Label and attach the site plan and supporting documentation required above as Attachment 7.2.8(d).

### **CATEGORY 7.2.9 Flood Hazard**

*Section 7.2.9 Project site is outside 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 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 7.2.9? \_\_\_\_ 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 E: Model Santa Barbara County Flood Control District Flood Hazard Determination Letter).

Instructions: Label and attach the Flood Hazard Inquiry Letter required as Attachment 7.2.9.

### **CATEGORY 7.2.10 School Districts**

*Section 7.2.10 Project is outside Cold Springs and Montecito Union School District boundaries. (10 points)*

Planning & 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 & Development Permit/Information Counter.

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

Instructions: Copy the portion of the school districts boundaries map that shows the lot on which your project is proposed. Clearly identify the subject property. Label and attach a copy of this portion of the map as Attachment 7.2.10.

### **CATEGORY 7.2.11 Public Trails**

*Section 7.2.11 Public hiking and/or equestrian trail(s) is/are offered for dedication to the County adjacent to or along public right of ways and/or which connect other public trail segments. (5 points)*

Trail easements 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 7.2.11? \_\_\_\_ Yes; \_\_\_\_ No

If yes, you must submit the following:

1. A site plan drawn to scale showing the location of any existing or proposed public hiking and/or equestrian trails along public right of ways or connecting other public trail segments, as shown on the County's Parks, Recreation and Trails Map for the Montecito Area (PRT-2).
2. An offer to dedicate a trail easement for the new trail(s) (see Exhibit F: Model Offer to Dedicate Public Riding and Hiking Trail Easement) as shown on the site plan required above to the County Park Department in perpetuity, approved in writing by the County Park Department (see Exhibit G: Model Park Department 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 or coastal development permit.

Instructions: Label and attach the site plan and the offer to dedicate approved by the County Park Department as Attachments 7.2.11 – A and Attachments 7.2.1 – B, respectively.

### **CATEGORY 7.2.12: Sanitary District**

*Section 7.2.12 Project hooks up to Montecito Sanitary District sewer system. (5 points)*  
Projects may not receive points under both Categories 7.2.12 and 7.2.13.

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

If yes, you must submit a letter from the Montecito Sanitary District (see Exhibit H: Model Montecito Sanitary District Sewer Certification Letter) certifying that the project 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 7.2.12.

### **CATEGORY 7.2.13: Private Septic Systems**

*Section 7.2.13 For projects that propose use of private septic systems, soil type indicates a less than moderate restriction for sanitary facilities. (5 points)*

Projects may not receive points under both Categories 7.2.12 and 7.2.13. Planning & 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 & 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 & Development will consider the information.

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

If yes, you must submit a copy of a portion of the soils map available from Planning & Development that shows the location of the proposed private septic system, and, if the area is shown as moderate or greater restriction for septic systems any documentation, confirmed by the County Public Health Department, Environmental Health Services, that shows that the reason for 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 7.2.13.

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

RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:

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

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

This agreement for reduction of potential 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. 3916.

**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 Nos. \_\_\_\_\_ and \_\_\_\_\_, as more particularly described in the attached Exhibit A.
- B. The Property is approximately \_\_\_\_\_ acres in size and is subject to a current zoning designation of \_\_\_\_\_, single-family residential, \_\_\_\_\_ acre minimum parcel size, under Chapter 35 \_\_\_\_\_ of the Santa Barbara County Code, Montecito Land Use Development Code (LUDC).
- C. Owners are seeking from the County approval to construct a single-family 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 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 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 two separate legal lots, could have a potential development of two residential dwellings. Owner hereby agrees to a reduction in the residential development potential of the

Property, such that only one 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 permit 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 Residential Development on \_\_\_\_\_, 20\_\_.

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

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

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

**EXHIBIT B: Submittal Requirements for Section 7.2.2(a)**

The following information shall be required for the allocation of points pursuant to Section 7.2.2(a) of the Montecito Growth Management Ordinance (No. 3916).

- Total Estimated Water Use (AFY) for the Proposed Dwelling Units(s):  
\_\_\_\_\_

Instructions: water use shall be calculated using the following water duty factors:

<i>Zoning</i>	<b>Water Duty Factor (AFY/dwelling unit)*</b>
3-E-1	1.70
1-E-1	1.02
20-R-1	.68
7-R-1	.45
7-R-2	.26
*Source: RMD, Environmental Thresholds and Guidelines Manual, 1990	
Note: The water duty factors listed above may be revised in future updates of the Thresholds and Guidelines Manual, based upon future average usage figures provided by the Montecito Water District.	

- Current water use on the parcel(s), which shall be defined as the most recent annual water use (AFY) measures for the twelve months preceding the date of application: \_\_\_\_\_

Current water use shall be verified by one of the following:

- If currently served by the Montecito Water District, MWD must certify the current use as defined above.
- If not served by MWD, applicant must show flow meter readings (pumpage report) and/or electrical bills, and construction details of the well to verify the current use, as defined above.

- Historic water use 1979-1988, as follows:

**Historic Water Use Levels 1979 - 1988**

<b>Year</b>	<b>Total Water Use (AF)</b>	<b>Year</b>	<b>Total Water Use (AF)</b>
1979		1984	
1980		1985	
1981		1986	
1982		1987	
1983		1988	

Average Annual Historic Water Use 1979 – 1988: \_\_\_\_\_ (AFY)

Historic water use shall be verified by one of the following:

- If currently served by the Montecito Water District, MWD must certify.
- If not served by MWD, applicant must show flow meter readings (pumpage report) or electrical bills, and construction details of the well.

4. Net water usage for the proposed dwelling unit(s), computed as follows:

Lesser of Current Annual Water Use (#2 above)  
Or Average Annual Historic Water Use (#3 above) \_\_\_\_\_ (AFY)

Minus estimated water use for the proposed  
Dwelling Unit(s) (subtract from above) \_\_\_\_\_ (AFY)

Equals net water use for proposed dwelling(s) \_\_\_\_\_ (AFY)

## **EXHIBIT C: Model City of Santa Barbara Water Commitment Letter**

*(City of Santa Barbara Letterhead)*

*(Date)*

*(Addressee)*

Subject: Water Service Commitment – (Property Address), (Assessor Parcel Number)

You have requested a commitment by the city of Santa Barbara to provide water service to *(property address, Assessor Parcel Number)*, located outside city limits. Your request is for a commitment to provide water service to one single-family residence to be constructed on the subject property.

This letter constitutes a commitment on the part of the city to provide water service to the improvements identified above, subject to the following conditions:

1. With regard to proposed construction, if any: this commitment shall expire two years from the date of this letter, unless a valid Building Permit for the above-identified improvements has been issued. The commitment shall also expire upon the expiration of any such building permit.
2. With regard to proposed construction, if any: The city reserves the right to terminate this commitment during a water shortage condition.
3. Water service shall be subject to all rules, regulations, and fees that are applicable to other customers of the city water system, including, but not limited to: surcharges on metered water, applicable to customers located outside the city limits. Connection fees and buy-in charges will be as specified in applicable City Council resolutions. Meter sizing will be on the basis of flow rate calculations to be submitted by the customer and approved by the city at the time of application for meter installation. Any required extensions or upgrading of water mains shall only be done with city approval, and in accordance with city specifications. The cost of such work shall be borne by the project applicant in accordance with city development review policies.

For your information, you will find a notice attached regarding the Endangered Species Act, and endangered or threatened species that may be found in the vicinity of the City of Santa Barbara.

It is not the intention of this letter to grant any sort of development approval. Please direct any questions regarding this matter to Water Supply Management, at (805) 564-5460.

Sincerely,

Public Works Director

**EXHIBIT D: Model Montecito Fire Protection District Letter**

*(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. 3916)  
Certification Required for the Issuance of Points Pursuant to Section 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,

Ron McClain  
Fire Chief

BY

James Langhorne  
Fire Marshal

**EXHIBIT E: Model Santa Barbara County Flood Control District  
Flood Hazard Determination Letter**

*(Flood Control District Letterhead)*

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**FLOOD HAZARD DETERMINATION**

*For Mandatory Flood Insurance Requirement Only*

**APN:** \_\_\_\_\_

**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 PAYMENT:** \_\_\_\_\_      **AMOUNT:** \_\_\_\_\_

---

**FIRM DATA:**

**Comments:**

**COMMUNITY NUMBER:** \_\_\_\_\_

**Panel Number & Suffix:** \_\_\_\_\_

**Panel Date:** \_\_\_\_\_

**FIRM Index Date:** \_\_\_\_\_

**FIRM Zone:** \_\_\_\_\_

**Base Flood Elevation:** \_\_\_\_\_

**Subject to 100-Year Flood?**

**Flood Insurance Required?**

**INQUIRY RESEARCHED BY:** \_\_\_\_\_

**Reviewed by Floodplain Manager:** \_\_\_\_\_

*NOT SUBJECT TO  
100-YEAR FLOODING*

**EXHIBIT F: Model Offer to Dedicate Public Riding and Hiking Trail Easement**

RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:

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

**OFFER TO DEDICATE PUBLIC RIDING AND HIKING TRAIL EASEMENT**

This offer to dedicate a public riding and hiking trail easement is made by \_\_\_\_\_ (hereinafter Owner) and provided to the County of Santa Barbara (hereinafter County) pursuant to Section 7.2.11 of the Montecito Growth Management Ordinance (MGMO), Santa Barbara County Ordinance No. 3916.

**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 zoning designation of \_\_\_\_\_, single-family residential, \_\_\_\_\_ acres minimum parcel size, under Chapter 35 \_\_\_\_\_ of the Santa Barbara County Code, Montecito Land Use Development Code (LUDC).
- C. Owners are seeking from the County approval to construct a single-family residence on the property.
- D. Pursuant to the MGMO, Section 7.2.11, allocation points are awarded for projects that include an irrevocable offer to dedicate a public riding and hiking trail adjacent to or along public right-of-ways and/or which connect other public trail segments.
- E. Owner seeks to satisfy the requirements set forth in Section 7.2.11 by recordation of this irrevocable offer to dedicate a riding and hiking trail.

**NOW, THEREFORE, OWNER AGREES AS FOLLOWS:**

1. **OFFER TO DEDICATE RIDING AND HIKING TRAIL**

Owner does hereby makes an irrevocable offer to dedicate an easement to the County of Santa Barbara for public riding and 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 to construct a single-family residence 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 County, the easement shall be staked and surveyed by the Owner in a location acceptable to the County Parks Department, and shall be granted to the County according to the standard legal form approved by the County Parks Department and County Counsel, and recorded prior to the issuance of a Land Use/Coastal Development Permit to construct a single-family residence 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 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 residential dwelling on the property and prior to the issuance of the Land Use/Coastal Development Permit to construct a single-family residence on the Property.

6. RIGHTS AND RESPONSIBILITIES

This offer to dedicate a 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 Riding and Hiking Trail Easement on \_\_\_\_\_, 20\_\_.

(Signature must be notarized)

\_\_\_\_\_

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

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

**EXHIBIT G: Model Park Department Acceptance of Easement Offer**

*(County Park Department Letterhead)*

*(Date)*

*(Addressee)*

Re: Offer to dedicate public riding and hiking trail on (Property Address), (Assessor Parcel Number)

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

The County Park Department hereby accepts your proposal to dedicate a public riding and hiking trail through your property addressed as \_\_\_\_\_, APN \_\_\_\_\_. The Parks, Recreation and Trails Map for the Montecito Area (PRT-2) of the County Comprehensive Plan identifies a trail that traverses you property.

To actuate dedication, it will be necessary for you to identify a trail corridor as approve by the County Park Department, provide for a legal survey of the proposed easement to accompany a Grant of Easement dedication for public 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 trail easement to the County of Santa Barbara.

Sincerely,

Claude Garciacelay  
Park Planner

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

*(Montecito Sanitary District Letterhead)*

*IN COMPLIANCE OF THE  
MONTECITO GROWTH MANAGEMENT  
ORDINANCE NO. 3916*

-----  
*Certification Required for the Issuance of Points  
Pursuant to Sec. 7.2.12 of the Ordinance*

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

Site Address of Parcel: \_\_\_\_\_

Parcel Owner(s): \_\_\_\_\_

**Certification:** This is to certify the following:

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/conditions in force at the time application is made for a connection permit and all required fees are paid.

MONTECITO SANITARY DISTRICT

\_\_\_\_\_  
*(Signature)*

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