

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



DATE: June 20, 2013
TO: Commissioners and Interested Persons
FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Shana Gray, Supervisor, Planning and Regulation
Amber Geraghty, Coastal Program Analyst

W15b

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-3-11-A (General Package) for Public Hearing and Commission Action at the July 10, 2013 Commission Meeting in Ventura.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to add and amend definitions and to amend regulations related to various topics including: application preparation and filing procedures; standards for residential zones and uses; oil and gas abandonment procedures (demolition and reclamation permits); conditional use permit, land use permit, and development plan procedures, and development modification standards currently part of the certified IP/CZO.

The County of Santa Barbara submitted the subject Local Coastal Program Amendment to the Commission on December 22, 2011. The amendment proposal was deemed incomplete on January 9, 2012, and again on February 29, 2012 (after the County submitted additional information), and complete on May 11, 2012, the date of receipt of the remaining additional information requested by Commission staff. At the June 14, 2012 hearing, the Commission granted itself a one year time extension to act on this County of Santa Barbara LCP Amendment application (No. STB-MAJ-3-11-A) pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c). The one year time extension ends on July 10, 2013.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, reject proposed Santa Barbara County LCP Amendment No. STB-MAJ-3-11-A, as submitted, and **approve only if modified** pursuant to the suggested modifications. The suggested modifications are necessary to ensure that the County's Implementation Plan/Coastal Zoning Ordinance (IP/CZO) is consistent with and adequate to carry out the certified LUP. The motions and resolutions for Commission action can be found starting on **page 5**. The suggested modification language can be found starting on **page 6**.

Staff is recommending **approval** of the amendment with **thirteen (13) Suggested Modifications** to ensure conformance with existing LUP policies regarding cumulative impacts and environmentally sensitive habitat, to provide clarifications, and to make minor changes regarding how Coastal Development Permits are processed for conformity with the existing LCP.

Suggested **Modification #1** provides minimum information requirements that an applicant will have to satisfy in an application for the County (or the Commission on appeal) to be able to make an informed decision regarding consistency with the LCP. Suggested **Modification #2** (Motor Vehicle Exterior Storage), Suggested **Modification #3** (Trailer Storage), Suggested **Modification #4** (Accessory Storage of Materials), Suggested **Modification #5** (CDP Exemptions), and Suggested **Modification #6** (Motor Vehicle Repair) clarify exemption criteria for exemption determinations for motor vehicle storage, trailer storage, animal keeping, outdoor storage, and motor vehicle repair activities. Suggested **Modification #7** adds language regarding appealability of permits for demolition and reclamation of certain development types. Suggested **Modification #8** and Suggested **Modification #9** clarify timing regarding new proposed phasing plans and ensure that Coastal Development Permits shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan with a phasing plan and the associated Coastal Development Permit will include all components of development, including all future phases of development of the project. **Modifications #10** and **#11** provide clarifying language that a separate and concurrent application for a Substantial Conformity Determination (regarding conformity with a Coastal Development Permit associated with a Conditional Use Permit or Development Plan will be necessary). Suggested **Modification # 12** eliminates the County's proposal to allow the Director to waive a public hearing for Modification applications. Modifications are discretionary actions that allow reduction in certain certified provisions of the LCP in specific and unique circumstances. **Suggested Modification #13** revises language inadvertently added to Sec. 35-144F.E (*Telecommunications Project Installation and Post Installation Provisions*) by the Commission's suggested modifications as part of STB-MAJ-3-11-B.

The standard of review for the proposed amendment to the IP/CZO of the certified LCP is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. For the reasons above, and as described in this report, the proposed IP/CZO amendment would not be consistent with or adequate to carryout the provisions of LUP with respect to the protection of coastal resources unless modified as suggested.

<p>Additional Information: Please contact Amber Geraghty at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St., Second Floor, Ventura, CA 93001</p>

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EXHIBITS

- Exhibit 1. Proposed Amendment Language (strikeout and underline)
- Exhibit 2. Santa Barbara County Ordinance 4811
- Exhibit 3. Santa Barbara County Board of Supervisors Resolution 11-413

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (California Public Resources Code Section 30513)

The standard of review for the proposed amendments to the Implementation Plan/Coastal Zoning Ordinance of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve it unless the proposed amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings (Montecito Planning Commission Hearing on 4/27/11, County Planning Commission Hearings on 5/4/11, 7/6/11, 8/3/11, and 8/10/11, and Board of Supervisors Hearings on 10/4/11 and 11/1/11) and written and verbal comments were received from the members of the public regarding the amendments. The hearings were noticed to the public consistent with Sections 13515 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations (“14 CCR”), the County, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The Santa Barbara County Board of Supervisors submittal resolution did not specify whether or not this amendment shall take effect automatically after Commission action. Nevertheless, in this case, because staff is recommending that this approval be subject to suggested modifications by the Commission, if the Commission approves this

Amendment as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and Section 13542(b)). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-11-A as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-11-A and adopts the findings set forth below on grounds that the Implementation Program amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-11-A if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-11-A if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program amendment with the suggested modifications will conform with, and will be adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**III. SUGGESTED MODIFICATIONS ON THE
IMPLEMENTATION PLAN/COASTAL ZONING
ORDINANCE (IP/CZO) AMENDMENT**

The staff recommends the Commission certify the County's proposed amendment (shown below in Exhibit 2), with the following modifications. The existing and proposed amended language to the certified LCP Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined.

1. Application Contents

Sec. 35-57A Application Preparation and Filing.

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Article shall be filed with the Director on a Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Planning Department application for the specific type of application.

1. At a minimum, submittal requirements shall be in compliance with the application shall include requirements identified in Division 11 (Permit Procedures) and other Divisions of this Article, and all information necessary for the decision-maker to make an informed decision regarding the consistency of the application with the Comprehensive Plan, including the Local Coastal Program and the regulations of this Article.

2. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Director.

3. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Article.
4. Defense and indemnification agreement.

...

2. Parking Exemptions

Sec. 35-117A Additional Standards for Residential Zones and Uses

1. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of ~~this Subsection K~~) Section 35-117A of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves new development, construction of a new structure, or alteration of an existing structure that is not exempt from a Coastal Development Permits in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking ~~is~~ is not exempt from the requirement to obtain a Coastal Development Permit in compliance with Subsection 1.f, below, or Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this ~~Subsection 35.36.100.K~~ Section 35-117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 - a. **Current registration or certificate of non-operation required.** All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
 - 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.
 - b. **Limitation on number.**
 - 1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
 - a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
 - ii) The width of any portion of a driveway located in a front setback

area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations, and, in all cases a driveway having a maximum width of 10 feet shall be allowed.

iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

c. **Additional standards for inoperative motor vehicles.** The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:

- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
- 2) Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
- 4) The parking of inoperative motor vehicles regulated under Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.)

shall also be in compliance with the requirements of that Section.

- d. Modifications to standards allowed with a Minor Conditional Use Permit.**
Parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- e. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).
- f. Exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if:**
 - 1) The exterior parking will be located in an area that has been designated for parking or has been designated as a driveway pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) or,
 - 2.) The exterior parking will:
 - a) Not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 ft. of a coastal bluff; and
 - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and
 - d) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
 - e) Meets all other exemption criteria in compliance with Section 35-169.2.1.

3. Trailer Storage

Sec. 35-132.10. Storage of Trailers as an Accessory Use to a Residential Use.

Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.

- 1. Trailers shall not be kept, parked or stored in:
 - a. Required front setback areas.
 - b. Parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).

2. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
3. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
4. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
5. Trailers holding vehicles or used to store materials shall be in compliance with Section 35-144J (Accessory Storage).
6. The storage of a trailer does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if ~~the trailer will:~~
 - a. The trailer will be located in an area that has been designated for parking or has been designated as a driveway pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits), or,
 - b. The trailer will:
 - a. 1) Not be located within or adjacent to a wetland, stream, beach, an environmentally sensitive habitat area, or on or within ~~50~~ 300 feet of a coastal bluff; and
 - b. 2) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c. 3) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and
 - d. 4.) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
 - e. 5) Meets all other exemption criteria in compliance with Section 35-169.2.1

4. Accessory Storage of Materials

Sec. 35-144J. Accessory Storage of Materials.

- A. Purpose and Intent.** This Section provides standards for the keeping and maintaining of exterior storage accessory to the principal structure located on the lot on which the storage occurs or use of the lot on which the storage occurs. The intent of this Section is to ensure that the keeping and maintaining of exterior storage does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. Standards for accessory storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish accessory storage except when 1) this Section requires a permit for a specific type of storage, or 2) the storage involves new development, construction of a new structure, or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169.2 (~~Applicability~~) (Coastal Development Permits), or 3) the accessory storage ~~is~~ is

not exempt from the requirement to obtain a Coastal Development Permit in compliance with Subsection 2.g, below, or Section 35-169.2 (Applicability) (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

- a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations,
 - 1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:
 - a) There is a valid building permit or planning permit in effect for the construction project; and
 - b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.
 - 2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.
- b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

2. Outdoor storage of miscellaneous materials. The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is a valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. Area occupied by stored materials.

- 1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1	500 sq. ft.

acre	
1 acre or larger	1,000 sq. ft.

- 2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. Maximum height of stored materials:** Five feet.
 - c. Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall.
 - d. Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas.
 - e. Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
 - f. Noncompliance deemed a violation of this Article.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).
 - g. Storage of materials accessory to the principal structure or use on the lot on which the storage is located does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if:**
 - 1) The storage of materials and/or screening required pursuant to Section C.2.c, above, will be located in an area that has been designated for storage pursuant to a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits), or,
 - 2) The storage of materials and/or screening required pursuant to Section C.2.c, above, will:
 - a) Not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 ft. of a coastal bluff; and
 - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; and

- d) Not require any grading which involves the movement of more than 50 cubic yards of material and not result in any significant alteration of land forms; and
- e) Meets all other exemption criteria in compliance with Section 35-169.2.1.

5. Exemptions

Sec. 35-169 Coastal Development Permits

Sec. 35-169.2 Applicability

- i. The following improvements or structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat area:

...

9.) Exterior parking on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-117A.1.

10.) Trailer storage as an accessory to residential use that does not require a Coastal Development Permit pursuant to Section 35-132.10.6.

11.) Storage of materials accessory to the principal structure or use on the lot on which the storage is located on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-144J.C.

6. Motor Vehicle Repair

Sec. 35-144K. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.

- A. Purpose and Intent.** This Section provides standards for the motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.. The intent of this Section is to ensure that motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. Standards for motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Section) on a motor vehicle is allowed only in compliance with the following standards. This Section shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 - 1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on

a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.

2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential). A Coastal Development Permit may be required for construction of enclosed or screened structures pursuant to Section 35-169 (Coastal Development Permits).

...

7. Demolition and Reclamation Permits

Sec. 35-170.11 Processing of Demolition and Reclamation Permit.

1. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Planning and Development Department shall process applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.19, above.
 - a. A Demolition and Reclamation Permits may be processed concurrently with a development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. Jurisdiction.
 - a. Appealable development. When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), including all Demolition and Reclamation Permits associated with a major energy facility, the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.

8. Time Limits for Conditional Use Permits

Section 35-169. Coastal Development Permits.

Section 35-169.4 Processing.

3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174).
 - a. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or a Final Development Plan.

- 1) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) or Section 35-174.9.3.b2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit or Final Development Plan, including all phases of development that may be authorized by the Conditional Use Permit or Final Development Plan.
 - a) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit or Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

Sec. 35-172.9 Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration

3. Time limit.

- a. **Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit shall be issued.
 - 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.
 - 3) The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
 - a) A written request that includes a statement of the reasons for the time extension request is filed with the Department prior to the expiration date.
 - b) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
 - 4) A Conditional Use Permit shall be considered void and of no further effect if:
 - a) The required time limit in which to obtain the required Land Use Permit

has expired and an extension has not been approved, or

- b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.

b. Conditional Use Permits with approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.

- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
- 2) If the required time limit(s) in which to obtain the required Land Use Permit for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- 3) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3) a), above.

4) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit with a phasing plan in compliance with Section 35-169.4.3.a1.

5) A Conditional Use Permit with an approved phasing plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

9. Time Limits for Development Plans

Sec. 35-174.9 Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration

3. Time limit.

- a. **Preliminary Development Plans.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one

time for one year from the date the extension is granted by the decision-maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.

b. Final Development Plans.

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - b) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection 3.b)1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - c) **Time extensions.** The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision-Maker) and Section 35-174.2 (Applicability) may extend the time limit one time for good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.
 - i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.
 - ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.
- 2) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit shall be issued within the

time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.

- a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
- b) If the required time limit(s) in which to obtain the Land Use Permit for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.
- c) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 2)c)i), above.
- d) A Coastal Development Permit shall be processed concurrently and in conjunction with a Final Development Plan with a phasing plan in compliance with Section 35-169.4.3.a1.
- e.) The Final Development Plan shall be considered to be void and of no further effect if the Coastal Development Permit approved in conjunction with the Development Plan has expired.

10. Substantial Conformity for Conditional Use Permits

Sec. 35-172.11 Substantial Conformity, Amendments and Revisions.

Changes to a Conditional Use Permit shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Conditional Use Permit, if the Director first determines, in compliance with the County's Substantial Conformity Guidelines (see Appendix B), that the change is in substantial conformity with the approved Conditional Use Permit.
 - a. **Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**

- 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.

...

- 4) If a Coastal Development Permit was processed concurrently with the Conditional Use Permit under review, then a change to the Conditional Use Permit may also require approval of a minor change to the associated Coastal Development Permit in compliance with Section 35-169.10 (Minor Changes to Coastal Development Permits).

...

2. **Amendments.** Where the Director is unable to determine that a requested change to an approved Conditional Use Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Conditional Use Permit in compliance with the following.

- a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

- 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

- b. **Area under review.** The Director shall determine that the location within the project site that is the subject of the application for the Amendment either:

- 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
- 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

c. Processing.

- 1) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.

...

- 5) Findings.

- a) Amendment. The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
- (i) That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved ~~are still applicable to the project~~ remain valid to accommodate the project as revised with the addition of the new development proposed by the applications for the Amendment and the Coastal Development Permit.

...

11. Substantial Conformity for Development Plans

Sec. 35-174.10 Substantial Conformity, Amendments and Revisions.

Changes to a Preliminary or Final Development Plan, shall be processed as follows:

1. Substantial Conformity. The Director may approve a minor change to an approved Final Development Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved ~~permit.~~ Final Development Plan.

- a. Contents of application. An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
- b. Processing.
 - 1) The Director shall review the application The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - 4) If a Coastal Development Permit was processed concurrently with the Development Plan under review, then a change to the Development Plan may also require approval of a minor change to the associated Coastal Development Permit in compliance with Section 35-169.10 (Minor Changes to Coastal Development Permits).

...

2. Amendments. Where the Director is unable to determine that a requested change to an approved Final Development Plan is in substantial conformity with the approved permit in

compliance with Subsection 1, above, the Director may instead amend a Final Development Plan in compliance with the following.

- a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
- b. **Area under review.** The Director shall determine that ~~the~~ location within the project site that the subject of the application for the Amendment either:
 - 1) Was analyzed for potential environmental impacts and policy consistency as a part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
- c. **Processing.**
 - 1) **Development that may be appealed to the Coastal Commission.**
 - a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - d) Action and appeal.
 - i) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

- e) Findings for the Amendment. The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
 - (i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved ~~are still applicable to the project~~ remain valid to accommodate the project as revised with the addition of the new development proposed by the applications for the Amendment and the Coastal Development Permit.

...

12. Planning Permit Modifications

Sec. 35-179.5 Processing.

1. After receipt of an application for a Modification, ~~The~~ Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - a. When an application is submitted for development that requires the approval of a Coastal Development Permit that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then an application for a Coastal Development Permit shall also be submitted and shall be processed in compliance with Section 35-169.4.3 concurrently with the application for the Modification.
2. The project shall be subject to the provisions of Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project being heard by the Zoning Administrator.
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and either approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
5. The decision-maker, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Article and the public health, safety, and welfare.
6. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
7. **Waiver of public hearing.** ~~The~~ For applications for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the requirement for a public hearing may be waived by the Director of the Planning and Development Department in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the decision-maker hearing agendas.

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
- b. A written request for public hearing is not received by the Planning and Development Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

13. Telecommunications MAJ-3-11-B Clarification

Sec. 35-144F.E Project installation and post installation provisions.

1. FCC Compliance. The facility should be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction provided that such requirements are consistent with the certified Local Coastal Program and will not result in impacts to coastal resources, ~~and provided that such provisions are incorporated into the Local Coastal Plan pursuant to a certified Local Coastal Plan Amendment.~~

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance / Implementation Plan portion of its certified Local Coastal Program (LCP) to provide various new permitting procedures and development standards.

The County proposes the following changes to the Coastal Zoning Ordinance (see **Exhibit 1**):

- 1. Amend Section 35-144I, *Animal Keeping*, to allow the keeping of household pets accessory to a residence in all zones that allow residential uses (e.g., SR-M and SR-H zones in Isla Vista).

2. Amend Section 35-172, *Conditional Use Permits*, and Section 35-174, *Development Plans*, to allow phasing agreements and include procedures to allow the review authority to approve phasing agreements concurrently with Conditional Use Permits and Development Plans for projects that are expected to take several years to complete.
3. Amend Sections 35-147 and 35-170, *Abandonment of Certain Oil/Gas Land*, for Demolition and Reclamation Permits, to provide that the Zoning Administrator is the decision-maker (review authority) for Demolition and Reclamation Permits that may be appealed to the Coastal Commission, to include processing requirements, and to allow revisions to approved Demolition and Reclamation Permits through the Substantial Conformity and Amendment process.
4. Add new Section 35-57A, *Application Preparation and Filing, Defense and Indemnification Agreements*, to require the submittal of an agreement to indemnify the County as part of an application for a planning permit.
5. Add new Section 35-178.6, *Land Use Permits, Expiration*, to include expiration and time extension procedures for Land Use Permits.
6. Amend Section 35-179, *Modifications*, to add clarifying language regarding allowable Modifications not associated with Conditional Use Permits and Development Plans and provide a waived hearing process.
7. Add new Section 35-117A, *Additional Standards for Residential Zones and Uses, Exterior Parking*, and new Section 35-144J, *Accessory Storage of Materials*, related to motor vehicle and material storage, to add new regulations that include (1) restrictions to the number of motor vehicles that can be stored outside, (2) limiting the amount of yard area devoted to storage of materials, and (3) provide screening requirements for both motor vehicles and material storage, on residential zoned property.
8. Amend Section 35-142.6, *Residential Second Units, Development Standards*, to allow a residential second unit, in addition to a farm employee dwelling, if the lot is zoned AG-I.
9. Amend Section 35-172.11, *Substantial Conformity Determinations, Amendments and Revisions*, of Section 35-172, *Conditional Use Permits*, and amend Section 35-174.10, *Substantial Conformity Determinations, Amendments and Revisions*, of Section 35-174, *Development Plans*, to include processing procedures and requirements for applications for Substantial Conformity Determinations and Amendments to Discretionary Permits.
10. Amend Section 35-132, *Storage of Trailers as accessory to a residential use*, to allow for the storage of trailers other than recreational vehicles as a use accessory to a residence.
11. Amend Section 35-58, *Definitions*, to amend the existing definitions of “Driveway” and “Trailer” and add new definitions for “Adjacent,” “Bedroom,” “Contractor Equipment Storage Yard,” “Department,” “Fully enclosed or fully screened structure,” “Motor vehicle,” “Vehicle,” and “Wastewater Treatment System, Alternative.”

B. PAST COMMISSION ACTION

The subject IP/CZO amendment incorporates some changes that were previously proposed in LCP Amendment STB-MAJ-1-09-A for IP/CZO revisions part of the Land Use and Development Code. The related provisions in the subject amendment are mostly minor changes to various sections of the IP/CZO, including: application contents, definitions, storage of trailers, household pets, oil and gas facilities, substantial conformity, amendments, and revisions to planning permits, and exemption criteria for certain development types. On November 18, 2010, the Commission approved several suggested modifications in its approval of STB-MAJ-1-09-A to ensure protection of coastal resources. However, LCP Amendment STB-MAJ-1-09-A did not become a certified part of the LCP because the local government declined to accept the suggested modifications. Therefore, the approval expired six-months from the date of Commission Action.

Nevertheless, the County has included the some non-controversial language, similar to some of the changes approved by the Commission per STB-MAJ-1-09-A, as part of the proposed subject IP/CZO amendment.

C. BACKGROUND ON PROPOSED CHANGES

The background of the proposed changes to the certified LCP are discussed below.

1. Animal Keeping

Household pets are defined as animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents, and include domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but do not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks. These amendments would allow the keeping of household pets accessory to an existing residential use in zones that allow residential uses but at present do not allow for the keeping of any animals whatsoever. The amendment adds a new section to clarify that some structures commonly used for household pets, such as dog houses, are considered accessory structures and are considered an allowed use with in the particular zone provided that they comply with standards of that zone.

The amendment to Article II would add the keeping of household pets in the Student Residential (SR), Limited Commercial (C-1); Retail Commercial (C-2), Professional and Institutional (PI), Resort/Visitor Serving Commercial (C-V), Recreation (REC), Mobile Home Park (MHP) and Coastal Related Industry (M-CR) zones.

2. Conditional Use Permit and Development Plan Phasing Agreements

This amendment adds new procedures to allow review authorities to adopt phasing plans for projects allowed by Conditional Use Permits and Development Plans where it is expected that construction of a project will occur in phases over a period of time and that the normal time allowed under Article II to obtain all permits and fully develop the project prior to permit expiration may not be sufficient.

Article II requires a Coastal Development Permit to be issued to ensure that all the pre-development special conditions of Use Permit have been fulfilled prior to the commencement of development allowed by a Conditional Use Permit. Article II also provides that, at the time of approval of a Conditional Use Permit, a reasonable time limit shall be established within which the Coastal Development Permit must be issued, and that the time limit shall be based on the nature and size of the proposed development or use. If a time limit is not specified, then the Coastal Development Permit must be issued within 18 months from the effective date of the Conditional Use Permit. The time limit may be extended one time for good cause for an unspecified amount of time.

Currently, under Article II, substantial physical construction of the development allowed by a Final Development Plan must have occurred, subject to the approval of a Coastal Development Permit, within five years of the effective date of the Final Development Plan. One time extension of one year may be granted for good cause. While these provisions are sufficient for most projects allowed with a Conditional Use Permit and Development Plan, according to the County, the time limits have proven problematic in certain instances due to the scope of the project and an applicant having to satisfy conditions of approval that pertain to the whole of the project before the Coastal Development Permit can be issued. As explained by County staff, problems with construction timing may arise when an organization that relies on fund-raising to obtain the funds necessary to develop the project is unable to substantially complete construction within the required time limits. The County has accommodated special phasing timelines within the conditions of a Conditional Use Permit or Development Plan.

The amendment provides a new process to approve the phasing of development, as follows:

- a) A phasing plan for development of the project may be adopted by the review authority at the time of approval of a Conditional Use Permit or Development Plan,
- b) The phasing plan shall specify time limits in which to obtain the required permits for each different phase of the project,
- c) The time limits may be revised through the approval of a revised phasing plan through either a Substantial Conformity Determination, Amendment, or Revision process,
- d) If the time limits in which to obtain the required permits for any phase of the project authorized by the Conditional Use Permit or Development Plan have expired and an application for a revised phasing plan has not been submitted, then the amendment provides that either:
 - i. the Conditional Use Permit or Development Plan shall be considered void and of no further effect as to that phase and any subsequent phase(s), or
 - ii. the Conditional Use Permit or Development Plan is automatically revised to eliminate phases from the project authorized by the Conditional Use Permit or Development Plan that are considered void and of no further effect.

3. Demolition and Reclamation Permits

Currently, under Article II, Demolition and Reclamation Permits are under the jurisdiction of the Director and are used to regulate the abandonment and timely and proper removal of certain oil and gas facilities, reclamation of host sites, and final disposition of pipelines. The proposed amendment to Article II would:

- a) Require the approval of a Coastal Development Permit concurrently with the Demolition and Reclamation Permit. If the development allowed by the Demolition and Reclamation Permit would be appealable to the Coastal Commission, then both the Demolition and Reclamation Permit and the Coastal Development Permit would be under the jurisdiction of the Zoning Administrator and would be subject to a public hearing requirement. This is consistent with the recently certified amendment to Article II, STB-MAJ-2-06 (Noticing and Appeals), certified on March 5, 2008, that requires the concurrent processing of a Coastal Development Permit with Conditional Use Permits and Development Plans in order to avoid the possibility of repeat appeals to the Coastal Commission on the same project.
- b) Allow changes to approved Demolition and Reclamation Permits through the Substantial Conformity Determination and Amendment processes that currently may be used to modify projects approved by either Conditional Use Permits or Final Development Plans.

4. Indemnification Agreements

This amendment includes a new provision allowing the County to require that a "defense and indemnification agreement" be filed with every application, and that an application will not be accepted for processing, nor will application processing commence, unless an executed defense and indemnification agreement is submitted by the applicant. This would apply to both ministerial and discretionary applications. The proposed amendment also includes new language that pertains to application filing eligibility (i.e., who may file an application) and the payment of application processing fees.

5. Land Use Permit Expiration Timeline

Coastal Development Permits and Land Use Permits are initially approved, and then later, once any conditions of approval have been satisfied, are issued. This allows the permit to be appealed, and the appeal decided on, prior to the applicant having to spend money complying with the conditions of approval. Construction of the development allowed by the Coastal Development Permit or Land Use Permit cannot commence until the Coastal Development Permit or Land Use Permit is issued.

The approval of a Coastal Development Permit is valid for one year from the date of approval. This may be extended one time for one year for good cause by the review authority that initially approved the Coastal Development Permit. If Coastal Development Permit is not issued within the one or two year period, then it expires. Once issued, the Coastal Development Permit is then valid for a two year period. This may also be extended for one time for one year for good cause by the review authority that initially approved the Coastal Development Permit. If construction of the development authorized by the issued Coastal Development Permit has not commenced within this two or three year period, then the Coastal Development Permit expires.

However, Article II does not include any expiration language regarding approved Land Use Permits, and only states that once issued that Land Use Permits are valid for a two year period from date of issuance (with the possibility of one, one year extension for good cause by the Director). This means a substantial period of time could transpire between the approval and issuance of the permit, which can lead to problems due to changes in environmental setting and zoning regulations, such that the basis for the findings that were made when the permit was originally approved may no longer be appropriate.

The proposed amendment would add the same one-year timeframe and possibility for one, one year time extensions for Land Use Permit approvals that currently exists for Coastal Development Permit approvals.

6. Modifications not associated with Conditional Use Permits and Development Plans

Article II includes a process to allow certain changes to development standards, called Modifications, approved by Zoning Administrator as part of a noticed, public hearing, for development projects approved through a ministerial permit and not associated with Conditional Use Permits and Development Plans. As already certified, the development standards that may be modified in this manner are limited to the required number of parking spaces, setbacks, floor area ratios and height.

The subject amendment proposes to add a "waived hearing process" for Modifications similar to that which currently exists for some appealable Coastal Development Permits and other applications (e.g., time extensions) whereby a notice would be mailed to the owners of property located within 300 feet of the project site advising that the Director intends to waive the public hearing for a certain application unless a hearing is requested by a person receiving notice. If a hearing is not requested, then jurisdiction over the modification would shift to the Director who would approve or deny the request without a public hearing.

This amendment also addresses issues at the County regarding how to process applications for modifications that request a reduction in setback area when portions of the setback area are already occupied by nonconforming structures. Currently, Article II requires that the area of a front, side or rear setback may not be reduced through a modification by more 20 percent of what the minimum setback area would normally be, but does not specifically address if the calculation should include setback area that is already occupied by existing structures. The proposed language would specify that if a portion of a setback is occupied by a nonconforming structure(s), then the setback area occupied by the nonconforming structure(s) shall be included in determining whether the requested reduction would result in a reduction of more than 20 percent of the normally required setback area.

7. Motor Vehicle Repair and Exterior Materials Storage on Residential Properties

Article II does not specifically regulate the use of residentially zoned property for storage of motor vehicles and materials accessory to the residential use. The proposed amendment applies to only residential zones and includes requirements that address exterior storage of materials, dismantling of motor vehicles, and parking of motor vehicles outside of a structure.

The amendment adds provisions that limit the amount of materials and the number of motor vehicles that may be kept on a residentially zoned lot, and requires that the storage of materials and motor vehicles comply with a set of development standards that minimize the potential for neighboring properties to be negatively impacted. The amendment also provides that the development standards may be modified through a minor Conditional Use Permit, and that if after six months from the effective date of the amendments these standards are not complied with, then the property is considered to be in violation of Article II and subject to enforcement and penalties if a complaint is filed with the Planning and Development Department.

8. Residential Second Units

A Coastal Zoning Ordinance amendment, STB-MAJ-2-03, regarding the permitting of residential second units (RSUs) was certified by the Commission on October 15, 2005. This amendment changed the permit requirement for detached RSUs from a Conditional Use Permit to a Coastal Development Permit, but kept the Conditional Use Permit requirement for RSUs located on AG-I zoned property. The existing zoning code Sec. 35-124.6 does not currently allow a RSU in addition to a farm employee dwelling on property zoned AG-1. The proposed amendment language would amend Section 35-142.6, *Residential Second Units, Development Standards*, to allow a RSU, in addition to a farm employee dwelling, if the lot is zoned AG-I.

9. Substantial Conformity Determinations and Amendment Procedures

The proposed amendment includes new processing procedures and requirements for Substantial Conformity Determinations and as well as Conditional Use Permit and Development Plan Amendments. Article II currently contains standards for the Planning and Development Department Director to approve a Substantial Conformity Determination using the guidelines that are contained in Article II Appendix B (Substantial Conformity Determination Guidelines); however, Article II does not contain certain procedures for such a determination.

10. Trailer Storage in Residential Zones

Currently, Article II allows the storage of trailers designed for or capable of human habitation (e.g., a travel trailer), without a permit, as a use accessory to a residential use of property provided they are not used As a residence while stored. The proposed amendment would allow other types of trailers that are routinely stored on residential lots, such as those used for hauling materials or for watercraft transportation, to be stored in addition to those used for human habitation, provided certain standards are met for setbacks, size, and visibility.

D. CONSISTENCY ANALYSIS

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with and adequate to carry out, the provisions of the Land Use Plan portion of Santa Barbara County's certified Local Coastal Program, as amended. The proposed amendment's consistency with the certified LUP is detailed below. All Chapter 3 policies of the

Coastal Act have been incorporated in their entirety in the certified Santa Barbara County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

1. New Development/Cumulative Impacts

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

[T]he incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), siting and design must also take into account the requirements of other applicable policies of the certified LUP, including public access, recreation, environmentally sensitive habitat areas, and scenic and visual quality.

The proposed amendment adds new specific information requirements necessary to satisfy the filing requirements for new applications for each of the various planning permits (e.g. Coastal Development Permits, Conditional Use Permits, Development Plans). To ensure that new applications for coastal development permits, and other discretionary approvals, include the necessary information to adequately review and analyze whether new development proposals are consistent with the coastal resource protection policies of the certified LCP, Suggested **Modification #1** is necessary. **Modification #1** provides an overarching statement of the minimum information requirements that will have to be satisfied in an application for the County (or the Commission on appeal) to allow for an informed decision regarding consistency with the LCP.

The proposed amendment also includes provisions for the regulation of new development types, as well as revisions to existing code requirements, that have the potential to result in cumulative impacts to coastal resources from new development. The amendment proposes to add new Section 35-117A, Additional Standards for Residential Zones and Uses, Exterior Parking, and

new Section 35-144J, Accessory Storage of Materials, relating to motor vehicle and material storage, to add new regulations that include (1) restrictions to the number of motor vehicles that can be stored outside, (2) limitations on the amount of yard area devoted to storage of materials, and (3) screening requirements for both motor vehicles and material storage, on residential zoned property. The amendment proposes revisions to existing Section 35-132, Storage of Trailers as accessory to a residential use, to allow for the storage of trailers other than recreational vehicles as a use accessory to a residence. Additionally, the amendment adds Section 35-144I, Animal Keeping, to allow the keeping of household pets accessory to a residence in all zones that allow residential uses (e.g., SR-M and SR-H zones in Isla Vista) and includes a provision that allows buildings and structures accessory and customarily incidental to the keeping of household pets in compliance with the standards of Article II.

In general, the proposed changes to regulate the use and placement of motor vehicle exterior storage, materials storage, storage of trailers, and animal keeping structures (all in residential zones) are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources. However, some of the proposed changes would provide for new exemptions from coastal development permit requirements. Therefore, in order to ensure that cumulative adverse impacts to coastal resources from the intensification of use or new development on a residentially developed lot do not occur, **Modification #2** (Motor Vehicle Exterior Storage), **Modification #3** (Trailer Storage), **Modification #4** (Accessory Storage of Materials), **Modification #5** (CDP Exemptions), and **Modification #6** (Motor Vehicle Repair) have been suggested, described below.

Suggested **Modification #2** is necessary to ensure that exterior parking on residential lots that complies with all regulations of Article II, including provisions to ensure that coastal resources will not be adversely impacted by development associated with exterior parking. Suggested **Modification #2** adds specific criteria, similar to new criteria proposed by the County for Sec. 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use. Specifically, Suggested **Modification #2** clarifies that exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the exterior parking will: 1) not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 ft. of a coastal bluff, 2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights), 3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways, 4) not result in any significant alteration of land forms; and 5) meets all other exemption criteria in compliance with Section 35-169.2.

Similarly, Suggested **Modification #4** is necessary to ensure that development associated with accessory storage of materials complies with all regulations of Article II. **Modification #4** also adds criteria, similar to new criteria proposed by the County for Sec. 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use, to ensure that coastal resources will not be adversely impacted by accessory storage of materials on residential lots resulting in cumulative impacts to coastal resources. Suggested **Modification #4** includes the provisions listed in the prior paragraph to ensure that a Coastal Development Permit will be obtained if the project has the potential to impact wetlands, stream, Environmentally Sensitive Habitat Area, public access, scenic views, alteration of land forms, and meets the other required criteria in Section 35-169.2.

Further, one additional change to the County’s proposed criteria for an exemption determination for storage of trailers as an accessory use to a residential use in Sec. 35-132.10 is recommended in Suggested **Modification #3** to add a provision requiring a Coastal Development Permit if development associated with the storage of trailers result in any significant alteration of land forms and does not require grading which involves the movement of more than 50 cubic yards of material (this criterion is also added in Suggested **Modifications #2** and **#4**, described above). This additional provision ensures that the exemption criteria will be in conformance with LUP policies regarding geologic stability and will be in conformance with the exemption criteria in the Coastal Act and Section 13250 of the California Code of Regulations. Further, the Suggested **Modification #3** also changes the required distance to trigger a Coastal Development Permit requirement from 50 feet to 300 feet in order to conform with the existing section of Article II, Sec. 35-169.2, which lists certain improvements and structures that will be exempt, provided the parcel on which they are located “is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach...”. Thus, the suggested change to the criteria will ensure internal consistency with the certified zoning code.

To further ensure internal consistency, Suggested **Modification #5** adds three development categories to the list of certain improvements and structures that will be exempt from Coastal Development Permit requirements provided the criteria are met, as outlined in Section 35-169.2, including the following: exterior parking on a residentially zoned lot, trailer storage as an accessory to a residential use, and storage of materials accessory to the principal structure or use on a residentially zoned lot. The County staff has suggested this language change, subsequent to submittal of the amendment, in order to provide a cross-reference for the new zoning code provisions.

Next, Suggested **Modification #6** is added to provide additional assurance that any screening structures constructed for vehicle repair or other work, pursuant to Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.), that does not meet exemption criteria, will obtain a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).

For the reasons above, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carry out the provisions of LUP Policies with respect to new development unless modified as suggested above.

2. Environmentally Sensitive Habitat Areas

All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Section 30107.5 of the Coastal Act and Article II, Section 35-58 of the certified LCP states:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

Policy 1-2 Resource Protection:

Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.

Policy 2-11 (Development Policies):

All development, including agriculture, adjacent to areas designated on the land use plan or resources maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

Policy 9-35 Native Plant Communities (e.g., coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species & other plants of special interest):

Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

Policy 9-36 Native Plant Communities:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Sec. 35-97.7. Conditions on Coastal Development Permits in ESH:

A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.

Sec. 35-97.18. Development Standards for Native Plant Community Habitats:

Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.

1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat value. No development may be permitted within ESHA, except for uses that are dependent on the resource. Section 30240 (incorporated by reference into the certified LUP) of the Coastal Act further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. LUP Policy 2-11 requires all development adjacent to environmentally sensitive habitat areas be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

The proposed amendment adds a new provisions allowing for certain categories of development on residential property that have the potential to result in impacts to coastal resources, including environmentally sensitive habitat. The amendment proposes to add new Section 35-117A, Additional Standards for Residential Zones and Uses, Exterior Parking, and new Section 35-144J, Accessory Storage of Materials, relating to motor vehicle and material storage, to add new regulations that include (1) restrictions to the number of motor vehicles that can be stored outside, (2) limitations on the amount of yard area devoted to storage of materials, and (3) screening requirements for both motor vehicles and material storage, on residential zoned property. The amendment proposes revisions to existing Section 35-132, Storage of Trailers as accessory to a residential use, to allow for the storage of trailers other than recreational vehicles as a use accessory to a residence. Additionally, the amendment adds Section 35-144I, Animal

Keeping, to allow the keeping of household pets accessory to a residence in all zones that allow residential uses (e.g., SR-M and SR-H zones in Isla Vista) and includes a provision that allows buildings and structures accessory and customarily incidental to the keeping of household pets in compliance with the standards of Article II.

In general, the proposed changes to regulate the use and placement of motor vehicle exterior storage, materials storage, storage of trailers, and animal keeping structures (all in residential zones) are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources. However, some of the proposed changes would provide for new exemptions from coastal development permit requirements. Therefore, in order to ensure that adverse impacts to coastal resources from the intensification of use or new development on a residentially developed lot, including impacts to environmentally sensitive habitat area, do not occur, **Modification #2** (Motor Vehicle Exterior Storage), **Modification #3** (Trailer Storage), **Modification #4** (Accessory Storage of Materials), **Modification #5** (CDP Exemptions), and **Modification #6** (Motor Vehicle Repair) have been suggested, as described below.

Suggested **Modification #2** is necessary to ensure that exterior parking on residential lots that complies with all regulations of Article II, including provisions to ensure that coastal resources will not be adversely impacted by development associated with exterior parking. Suggested **Modification #2** adds specific criteria, similar to new criteria proposed by the County for Sec. 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use. Specifically, Suggested **Modification #2** clarifies that exterior parking does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the exterior parking will: 1) not be located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 ft. of a coastal bluff, 2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights), 3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways, 4) not result in any significant alteration of land forms and does not require grading which involves the movement of more than 50 cubic yards of material; and 5) meets all other exemption criteria in compliance with Section 35-169.2.

Similarly, Suggested **Modification #4** is necessary to ensure that development associated with accessory storage of materials complies with all regulations of Article II. **Modification #4** also adds criteria, similar to new criteria proposed by the County for Sec. 35-132.10, Storage of Trailers as an Accessory Use to a Residential Use, to ensure that coastal resources will not be adversely impacted by accessory storage of materials on residential lots. Suggested **Modification #4** includes the provisions listed in the prior paragraph to ensure that a Coastal Development Permit will be obtained if the project has the potential to impact wetlands, stream, Environmentally Sensitive Habitat Area, public access, scenic views, alteration of land forms, and meets the other required criteria in Section 35-169.2.

Further, one additional change to the County's proposed criteria for an exemption determination for storage of trailers as an accessory use to a residential use in Sec. 35-132.10 is recommended in Suggested **Modification #3** to add a provision requiring a Coastal Development Permit if development associated with the storage of trailers result in any significant alteration of land forms and does not require grading which involves the movement of more than 50 cubic yards of material (this criterion is also added in Suggested **Modifications #2** and **#4**, described above).

This additional provision ensures that the exemption criteria will be in conformance with LUP policies regarding geologic stability and will be in conformance with the exemption criteria in the Coastal Act and Section 13250 of the California Code of Regulations. Further, the Suggested **Modification #3** also changes the required distance to trigger a Coastal Development Permit requirement from 50 feet to 300 feet in order to conform with the existing section of Article II, Sec. 35-169.2, which lists certain improvements and structures that will be exempt, provided the parcel on which they are located “is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach...”. Thus, the suggested change to the criteria will ensure internal consistency with the certified zoning code provisions protecting coastal resources, including environmentally sensitive habitat area.

To further ensure internal consistency, Suggested **Modification #5** adds three development categories to the list of certain improvements and structures that will be exempt from Coastal Development Permit requirements provided the criteria are met, as outlined in Section 35-169.2, including the following: exterior parking on a residentially zoned lot, trailer storage as an accessory to a residential use, and storage of materials accessory to the principal structure or use on a residentially zoned lot. The County has proposed this language change, subsequent to submittal of the amendment, in order to provide a cross-reference for the new zoning code provisions.

Next, Suggested **Modification #7** is added to provide additional assurance that any screening structures constructed for vehicle repair or other work, pursuant to Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.), that does not meet exemption criteria will obtain a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).

The Commission finds that these modifications are necessary to bring the proposed IP/CZO amendment into conformance with the LUP policies that require development to be sited and designed to avoid impacts to environmentally sensitive habitat area.

3. Waived Hearing Procedural Change

The County proposes to amend Section 35-179, *Modifications*, to add clarifying language regarding allowable modifications not associated with Conditional Use Permits and Development Plans and provide a waived hearing process. The proposed amendment directly modifies the hearing requirements for Modifications under Section 35-179.5 by allowing the Director to waive the requirement for a public hearing. This new hearing waiver provision raises concerns regarding consistency with procedural requirements established under the Coastal Act Section 30624.9 of the Coastal Act states, in part:

(a) For purposes of this section, “minor development” means a development which a local government determines satisfied all of the following requirements:

- (1) is consistent with the certified local coastal program, as defined in Section 30108.6.*
- (2) Requires no discretionary approvals other than a coastal development permit.*
- (3) Has not adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.*

(b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:

(1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.

(2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).

(c) The notice provided pursuant to subdivision (b) shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a coastal development permit application.

Thus, this section of the Coastal Act does not allow the necessary public hearing to be waived for a discretionary approval other than a Coastal Development Permit. Here, approval of a Modification application, is a discretionary approval other than a Coastal Development Permit, is proposed to be waived. Modifications are discretionary actions that allow reduction in certain certified provisions of the LCP in specific and unique circumstances. Modifications therefore have the direct potential to impact resources because the nature of Modifications is to modify certified LCP standards. As explained above, Coastal Act Section 30624.9 does not provide a procedure to waive the public hearing in such cases. Therefore, Suggested **Modification # 12** includes a clarification that a public hearing maybe we waived by the Director only for applications for development that are not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

4. Clarifications and Minor Processing Changes for Conformity with Existing LCP

Additional proposed modifications to the subject amendment are necessary for conformance with the LCP and Coastal Act. **Suggested Modification #7** clarifies the appealability of certain development types associated with Demolition and Reclamation Permits. **Suggested Modification #7** adds additional language to Sec. 35-170.11, Processing of Demolition and Reclamation Permits, providing that “[w]hen an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), *including all Demolition and Reclamation Permits associated with a major energy facility*, the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.”

Further, to implement the County’s stated intent that a concurrent CDP, including all components of a development project, would be processed with either a final Development Plan with a phasing plan or Conditional Use Permit with a phasing plan, and the County’s intent that the Development Plan with a phasing plan or Conditional Use Permit with a phasing plan would expire if the associated CDP expired, **Suggested Modification #8** and **Suggested Modification #9** provide clarifying language. Specifically, **Suggested Modification #8** (Time limits for CUPs) and **Suggested Modification #9** (Time limits for DPs) add clarifying language that an application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that include a phasing plan, shall include all components of the development included in the application for the Conditional Use Permit or Development Plan. The Coastal Development Permit may include phased timelines for project construction

and fulfillment of conditions. However, the suggested modifications clarify that there shall be only one Coastal Development Permit issued for the whole of the development and that the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times. Further, Suggested **Modifications #8** and **#9** add a clarifying provision that the Conditional Use Permit or Development Plan with an approved phasing plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

Additionally, the subject amendment proposes to modify Section 35-172.11, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-172, Conditional Use Permits and amend Section 35-174.10, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-174, Development Plans, to include processing procedures and requirements for applications for Substantial Conformity Determinations and Amendments to Discretionary Permits. To provide clarification to processing requirements in both of these sections, Suggested **Modification #10** and **#11** include a provision that if a Coastal Development Permit was processed concurrently and in conjunction with a Conditional Use Permit or Development Plan under review, then a change to the Conditional Use Permit or Development Plan may also require approval of a minor change to the associated Coastal Development Permit in compliance with Section 35-169.10. Suggested **Modifications #10** and **#11** revise the proposed LCP language to authorize the Planning Director as the decision-maker that shall determine that any new development proposed by the CUP or Development Plan amendment application was either: (1) analyzed for potential environmental impacts and policy consistency as a part of the original CUP / Development Plan approval and therefore an addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act, or (2) that the location was not analyzed as part of the original CUP / Development Plan approval, but that the new development could be found exempt from environmental review in compliance with the California Environmental Quality Act. These modifications will ensure consistency with existing requirements regarding concurrent processing of CDPs with Conditional Use Permits and Development Plans approved pursuant to Santa Barbara County Local Coastal Program Amendment 2-06 (Noticing and Appeals).

Lastly, **Suggested Modification #13** revises language that was inadvertently added in Sec. 35-144F.E (*Project Installation and Post Installation Provisions*) of the Coastal Zoning Code (STB-MAJ-3-11-B). The County has requested this change to avoid a misunderstanding that FCC regulations, in whole or in part, would need to be directly incorporated into the LCP. It is neither appropriate, nor intended, that the FCC regulations would be placed into the LCP for certification.

Therefore, in conclusion, the proposed amendment to the IP/CZO, as proposed, will not be fully adequate to carry out the certified Land Use Plan, and incorporated Coastal Act policies, for the above-stated reasons and is denied as submitted. With the suggested modification, the proposed IP/CZO amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the

Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance. The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Implementation Plan component of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

APPENDIX 1

Substantive File Documents

Resolution No. 11-413, County of Santa Barbara, *In the matter of submitting to the California Coastal Commission amendments to the text of the Article II Coastal Zoning Ordinance of Chapter 35 of the Santa Barbara County Code, a portion of the Santa Barbara County Local Coastal Program*, passed, approved, and adopted by the Board of Supervisors December 13, 2011; Ordinance 4811, *Case No. 11-ORD-00000-0014, An Ordinance Amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by Amending Division 7, General Regulations*, adopted by Board of Supervisors on November 1, 2011.

CASE NO. 110RD-00000-00014
ARTICLE II COASTAL ZONING
ORDINANCE AMENDMENT

ATTACHMENT I

ORDINANCE AMENDMENT
(showing proposed revisions)

EXHIBIT 1

**Santa Barbara County LCPA
STB-MAJ-3-11-A**

Strikeout and Underline Ord.

ATTACHMENT I: 11ORD-00000-00014 ARTICLE II ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS AND CORRECTIONS AND REVISIONS.

Case No. 11ORD-00000-00014

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 1, IN GENERAL, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57A, Application Preparation and Filing, to read as follows:

Sec. 35-57A Application Preparation and Filing.

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Article shall be filed with the Director on a Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Planning Department application for the specific type of application. At a minimum, submittal requirements shall be in compliance with the application requirements identified in Division 11 (Permit Procedures) and other Divisions of this Article, and may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Article.

1. Defense and indemnification agreement.

a. Unless disallowed by State law, at the time of the filing of an application, the Owner/Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, an approval of the application by the County.

(1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.

B. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this Article.

C. Application fees.

1. Fee schedule. The Board of Supervisors shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Article.

hereafter referred to as the Board's Fee Resolution.

- 2. Timing of payment.** Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.
- 3. Refunds and withdrawals.** The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

SECTION 2:

DIVISION 2, Definitions of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to amend the existing definitions of "Driveway" and "Trailer read as follows:

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. ~~A private right-of-way which affords vehicular access from a public or private street ad defined herein to abutting or adjacent property which is not, and under existing subdivision and zoning regulations cannot be divided into more than four separate lots or parcels~~ A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials, personal property or vehicles, including watercraft, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home, but not including mobile homes on a permanent foundation.

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definitions of "Adjacent," "Bedroom," "Charitable Function," "Contractor Equipment Storage Yard," "Department," "Fully enclosed or fully screened structure," "Motor vehicle," "Vehicle" and "Wastewater Treatment System" to read as follows:

Adjacent. See "abut."

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

Charitable Function. ~~An event or activity that is held by a charitable nonprofit organization that is registered with the federal Internal Revenue Service as a Internal Revenue Code 501(c)(3) nonprofit organization.~~

Contractor Equipment Storage Yard. Indoor or outdoor facilities operated by, or on behalf of a licensed contractor for the storage of equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of the contractor's own

equipment; and buildings or structures for uses including equipment repair. Includes building contractors, landscape contractors, sign contractors, etc. Does not include office-only facilities that are not located on the same site as storage and/or maintenance facilities. Does not include junk yards.

Department. The Santa Barbara County Planning and Development Department, referred to in this Article as the “Department” or the “Planning and Development Department.”

Fully enclosed or fully screened structure. A structure with (1) four walls that extend from the foundation floor to the roof of the structure, (2) a roof that completely covers the structure, and (3) doors that are kept closed and latched except when being used for egress and ingress to the structure. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window.

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

Motor vehicle, inoperative. A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Motor vehicle, operative. A motor vehicle that is able to be immediately started without any modifications or repairs and has a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wastewater Treatment System, Alternative. A wastewater treatment system that utilizes a mound or evapo-transpiration type system to treat sewage before disposal.

SECTION 4:

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-117A titled “Additional Standards for Residential Zones and Uses” and to read as follows:

Section 35-117A Additional Standards for Residential Zones and Uses

1. Exterior parking. The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection K) of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permits in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking in not in compliance with Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.36.100.K shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

a. Current registration or certificate of non-operation required. All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or

street; or.

- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

b. Limitation on number.

- 1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

- a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:

- i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
- ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations, and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
- iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

- 2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

- a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

<u>Lot Area (net)</u>	<u>Maximum Allowed Number of Vehicles</u>	<u>Maximum Allowed Parking Area</u>
<u>Less than 10,000 sq. ft.</u>	<u>1</u>	<u>140 sq. ft.</u>
<u>10,000 sq. ft. to less than 20,000 sq. ft.</u>	<u>2</u>	<u>420 sq. ft.</u>
<u>20,000 sq. ft. or larger</u>	<u>3</u>	<u>700 sq. ft.</u>

- b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

- c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

c. Additional standards for inoperative motor vehicles. The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:

- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
- 2) Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved

under their own motive power shall be drained of gasoline, oil and other flammable liquids.

4) The parking of inoperative motor vehicles regulated under Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.

d. Modifications to standards allowed with a Minor Conditional Use Permit. Parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).

e. Noncompliance deemed a violation of this Development Code. As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G.10, Storage of Trailers as accessory to a residential use, of Section 35-132, Trailer Use, to read as follows:

Section 35-132.10. Storage of Trailers as an Accessory Use to a Residential Use.

~~The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length and if the trailer is not used for human habitation or occupancy on the lot. All such trailers shall be screened from view from abutting streets. Said trailers may be stored on property without the requirement for a Coastal Development Permit if the trailer will: (1) not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on/within 50 feet of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~

Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.

1. Trailers shall not be kept, parked or stored in:
 - a. Required front setback areas.
 - b. Parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
2. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
3. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
4. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
5. Trailers holding vehicles or used to store materials shall be in compliance with Section 35-144J (Accessory Storage).
6. The storage of a trailer does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the trailer will:

- a. Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
- b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
- c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.
- d. Meets all other exemption criteria in compliance with Section 35-169.2.1.

SECTION 6:

~~DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1.d of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:~~

- d. ~~The Director of the Planning and Development Department, or the decision maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:~~
 - 1) ~~**Car washes.** Car washes, located on commercially zoned property lots, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.~~
 - 2) ~~**Charitable and other noncommercial functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided: The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards:~~
 - a) ~~On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - b) ~~On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - c) ~~If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a reception facility is required in compliance with Section 35-137.3.3 of this Section and other applicable development standards of this Article.~~
 - d) ~~The permit requirements and development standards of this Subsection d.2), do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~
 - 3) ~~**Charitable and other noncommercial functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other~~

~~similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300. The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards:~~

- ~~a) Use of the subject property for such activities does not exceed five times within the same calendar year.~~
 - ~~b) The number of persons present at the event at any one time does not exceed 300.~~
 - ~~c) If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a reception facility is required in compliance with Section 35-137.3.3 of this Section and other applicable development standards of this Article.~~
 - ~~d) The permit requirements and development standards of this Subsection d.2), do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~
- 4) Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.
 - 5) Public property.** Events held at a County park or on other County owned land when conducted with the approval of the County.
 - 6) Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.b of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:

- b. Charitable and other noncommercial functions on property located outside the Montecito Planning Area.** The use of property for charitable and other nonecommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where: The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards:
 - 1) The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 2) The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
 - 3) The permit requirements and development standards of this Subsection 3.b, do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.

SECTION 8:

~~DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.b of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:~~

- ~~b. — **Charitable functions on property located outside the Montecito Planning Area.** The use of property by the owner or tenant for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.~~
- ~~1) — Tenant does not include transient occupancies where the rental of the lot is for a period of 30 days or less.~~

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

10. A residential second unit shall not be permitted on a lot in addition to:
- a) ~~a~~A guest house;
 - b) ~~d~~Dwellings other than the principal dwelling that are determined to be nonconforming as to use, ~~or,~~
 - c) ~~a~~A farm employee dwelling unless the lot is zoned AG-I in which case the residential second unit may be permitted in addition to a farm employee dwelling.

If a residential second unit exists or has been approved on a lot, a guest house or similar structure, not including farm employee dwellings on lots zoned AG-I, may not subsequently be approved unless the residential second unit is removed.

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144I titled “Animal Keeping” to read as follows:

Sec. 35-144I. Animal Keeping.

1. **Purpose and Intent.** This Section identifies zones that allow the keeping of household pets in addition to those zones where animal keeping is presently included. The intent of this Section is to ensure that the keeping of household pets does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, odor and noise), by providing standards for the keeping of household pets.
2. **Applicability.** This Section applies to the SR-M - Medium Density Student Residential (Section 35-76), SR-H - High Density Student Residential (Section 35-77), C-1 - Limited Commercial (Section 35-77A), C-2 - Retail Commercial (Section 35-78), C-V - Resort/Visitor Serving Commercial (Section 35-81), PI - Professional and Institutional (Section 35-83), REC - Recreation (Section 35-89), MHP - Mobile Home Park (Section 35-91), and M-CR - Coastal Related Industry (Section 35-92).
3. **Standards.** Household pets shall be kept in compliance with the following standards:
 - a) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - b) There shall be no more than three dogs permitted on a single lot.
 - c) Such animals are for the domestic use of the residents of the lot only and are not kept for

commercial purposes.

- d) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- e) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
- f) No rooster or peacock shall be kept or raised on the lot.

4. Accessory structures. Buildings, and structures accessory and customarily incidental to the keeping of household pets may be allowed in compliance with the standards of the applicable zone and this Article.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144J titled as Accessory Storage and to read as follows:

Sec. 35-144J. Accessory Storage of Materials.

A. Purpose and Intent. This Section provides standards for the keeping and maintaining of exterior storage accessory to the principal structure located on the lot on which the storage occurs or use of the lot on which the storage occurs. The intent of this Section is to ensure that the keeping and maintaining of exterior storage does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).

B. Applicability. This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).

C. Standards for accessory storage of materials. Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish accessory storage except when 1) this Section requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169.2 (Applicability), or 3) the accessory storage is not in compliance with Section 35-169.2 (Applicability). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations,

1) Same or adjacent lot. The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

- a) There is a valid building permit or planning permit in effect for the construction project; and
- b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the

adjacent lot.

- 2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.
- b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.
2. **Outdoor storage of miscellaneous materials.** The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. **Area occupied by stored materials.**

- 1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

<u>Lot Area (gross)</u>	<u>Maximum Allowed Area of Storage</u>
<u>Less than 10,000 sq. ft.</u>	<u>300 sq. ft.</u>
<u>10,000 sq. ft. to less than 1 acre</u>	<u>500 sq. ft.</u>
<u>1 acre or larger</u>	<u>1,000 sq. ft.</u>

- 2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. **Maximum height of stored materials:** Five feet.
- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall.
- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas.
- e. **Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- f. **Noncompliance deemed a violation of this Article.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K titled as Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc., and to read as follows:

Sec. 35-144K. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.

- A. Purpose and Intent.** This Section provides standards for the motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.. The intent of this Section is to ensure that motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. Standards for motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Section) on a motor vehicle is allowed only in compliance with the following standards. This Section shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
- 1.** Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 - 2.** Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
 - 3.** Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Sec. 35-144J (Accessory Storage of Materials), above, and shall not be located on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
 - 4.** Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
 - 5. Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
 - 6. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-108 (Required Number of Spaces: Residential) as allowed by Subsection C.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 10:

DIVISION 8, Services, Utilities and Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.g of Section 35-147, Processing, to read as follows:

- g. ~~Experimental~~ Alternative waste disposal systems ~~such as that utilize~~ mound or evapo-transpiration systems;

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance,

of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.10, Content of Application for a Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Subsection 19 to read as follows, and to renumber existing Subsection 19 as Subsection 20:

19. An application for a Coastal Development Permit for the development requested by the Demolition and Reclamation Permit application shall also be submitted and shall be processed concurrently and in conjunction with the Demolition and Reclamation Permit application except as follows:
- a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
- ~~1920.~~ Any other information deemed necessary by the Director to address site-specific factors.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.11, Processing of Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to read as follows:

Section 35-170.11 Processing of Demolition and Reclamation Permit.

1. ~~The Planning and Development Department shall process applications for Demolition and Reclamation Permits through environmental review after determining such applications to be complete. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
2. The Planning and Development Department shall process ~~complete~~ applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.19, above.
 - a. ~~However,~~ A Demolition and Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. **Jurisdiction.** ~~The Planning and Development Department Director shall consider complete applications for Demolition and Reclamation Permits and shall approve, conditionally approve, or deny the application. Any denial shall be accompanied by an explanation of changes necessary to render approval of the application.~~
 - a. **Appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.
 - b. **Not appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Director shall be the decision-maker for the Demolition and Reclamation Permit.
4. **Notice, public hearing and decision.** ~~The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.~~
 - a. **Demolition and Reclamation Permits under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Demolition and Reclamation Permit.

- 1) Notice of the pending decision of the Director on the Demolition and Reclamation Permit shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Demolition and Reclamation Permit. Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
 5. ~~3) The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182. The action of the Director on the Demolition and Reclamation Permit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action may be appealed within the 30 calendar days immediately following the decision.~~
- b. Demolition and Reclamation Permits under the jurisdiction of the Zoning Administrator.** A public hearing shall be required if the Zoning Administrator is the decision-maker for the Development Plan.
- 1) The Zoning Administrator shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the request.
 - 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
 - 3) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals). Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
65. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Section 35-170.16 titled "Post Approval Procedures" to read as follows:

35-170.16 Post Approval Procedures.

Changes to an approved Demolition and Reclamation Permit shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Demolition and Reclamation Permit if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.

3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.

c. Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination. Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits shall be required).

1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Demolition and Reclamation Permit.

d. Expiration of Demolition and Reclamation Permit not revised. Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of a Substantial Conformity Determination, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.

2. Amendments. Where the Director is unable to determine that a requested change to an approved Demolition and Reclamation Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Demolition and Reclamation Permit in compliance with the following.

a. Contents of application. An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

- a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
- b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

b. Area under review. The location within the project site that the subject of the application for the Amendment:

- 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
- 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

c. Processing.

1) **Development that may be appealed to the Coastal Commission.**

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) Action and appeal.

- i) The Zoning Administrator shall hold at least one noticed public hearing on the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
- ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

e) Findings for the Amendment. The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:

- i) That the findings required for approval of the Demolition and Reclamation Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Demolition and Reclamation Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
- ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Demolition and Reclamation Permit.

f) Findings for the Coastal Development Permit. The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

2) Development that may not be appealed to the Coastal Commission.

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) Action and appeal.

- i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
- ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

e) Findings for the Amendment. The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:

- i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California

Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment.

ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.

f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.

d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or Land Use Permit shall be required in compliance with the following.

1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.

a) **Development that may be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).

ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.

iii) Until all necessary prior approvals have been obtained.

iv) Until the applicant has signed the Coastal Development Permit.

v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

b) **Development that may not be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).

ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.

iii) Until all necessary prior approvals have been obtained.

iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).

v) Until the applicant has signed the Coastal Development Permit.

2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permit shall not be issued and deemed effective:

- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
- ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
- iii) Until all necessary prior approvals have been obtained.
- iv) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. **Expiration of Demolition and Reclamation Permit not revised.** Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of an Amendment, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.

3. **Revisions.**

- a. A Revised Demolition and Reclamation Permit shall be required for changes to a Demolition and Reclamation Permit where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Demolition and Reclamation Permit shall be processed in the same manner as a new Demolition and Reclamation Permit.

SECTION 14:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

3. **Time limit.**

- a. **Conditional Use Permits without approved phasing plans.** ~~At~~ If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit shall be issued.
 - a. 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - b. 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.
 - e. 3) The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
 - 4) a) A written request that includes a statement of the reasons for the time extension request is filed with the ~~Planning and Development~~ Department prior to the expiration date.

- ⇒ b) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
- ⇄ 4) A Conditional Use Permit shall be considered void and of no further effect if:
 - ⇨ a) The required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved, of
 - ⇒ b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.
- b. Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required or Land Use Permit shall be issued within the time limit(s) established by the phasing plan.
 - 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
 - 2) If the required time limit(s) in which to obtain the required Land Use Permit for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
 - 3) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.11, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-172, Conditional Use Permits, to read as follows:

Sec. 35-172.11 Substantial Conformity, Amendments and Revisions.

Changes to a Conditional Use Permit shall be processed as follows:

- 1. Substantial Conformity.** The Director may approve a minor change to an approved Conditional Use Permit, if the Director first determines, in compliance with the County's Substantial Conformity Guidelines (see Appendix B), that the change is in substantial conformity with the approved Conditional Use Permit, pursuant to the County's Substantial Conformity Guidelines (see Appendix B).
 - a. Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - ab. Processing.** ~~No public noticing or public hearing shall be required for Substantial Conformity Determinations.~~
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required

before the Director takes action on the application for the Substantial Conformity Determination.

2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.

b 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.

c. **Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** ~~Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.~~

~~1) **Coastal Development Permit required.** If the development and/or use allowed by the Conditional Use is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit findings required in Section 35-169 (Coastal Development Permits), shall be made by the decision maker that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Conditional Use Permit~~

~~2) **Land Use Permit required.** If the development and/or use allowed by the Conditional Use Permit is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Land Use Permit, an additional finding in addition to the Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the decision maker that the development and/or use allowed by the Land Use Permit substantially conforms to the Conditional Use Permit.~~

1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit.

d. **Expiration of Conditional Use Permit not revised.** Where a minor change to an approved Conditional Use Permit is approved by the approval of a Substantial Conformity Determination, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

2. **Amendments.** Where a change to an approved Conditional Use Permit is not in substantial conformity with the approved permit, the Director, or in the case of a Revocation hearing the decision maker with jurisdiction over the project, may approve, or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Conditional Use Permit, providing: in compliance with the following
Where the Director is unable to determine that a requested change to an approved Conditional Use Permit

is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Conditional Use Permit in compliance with the following.

a. Contents of application. An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

a) The development is located within the retained permit jurisdiction of the Coastal Commission, or

b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

ab. Area under review. ~~The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency as a part of the approved permit.~~ location within the project site that is the subject of the application for the Amendment:

1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or

2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

c. Processing.

1) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.

2) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.

3) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

4) Action and appeal.

a) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.

b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

d) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

b. 5) Findings. ~~All of the following additional findings can be made:~~

a) **Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

4) (i) In addition to the findings required for approval of a Conditional Use Permit set forth in this Section 35-172.8, the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that

were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.

- 2) (ii) ~~The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project. That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.~~

b) Coastal Development Permit. The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

~~e. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However, notice shall be given at least 10 days prior to the date of the decision as provided in Section 35-181 (Noticing). The decision maker may approve, conditionally approve, or deny the Amendment.~~

d. Permit required prior to commencement of development. Prior to commencement of the development and/or use authorized by the Amendment to the Conditional Use Permit, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit shall be required to allow the development and/or use authorized by the Amendment. in compliance with the following:

- 1) **Coastal Development Permit required.** ~~Prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit by the Coastal Commission or the County in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.~~

If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.

a) A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

- (a) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- (b) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- (c) Until all necessary prior approvals have been obtained.
- (d) Until the applicant has signed the Coastal Development Permit.
- (e) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

- 2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permits shall not be issued and deemed effective:

- (1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
- (2) Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
- (3) Until all necessary prior approvals have been obtained.
- (4) For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
- (5) Until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. Expiration of Conditional Use Permit not revised. Where a minor change to an approved Conditional Use Permit is approved by the approval of an Amendment, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

3. Revisions.

- a. A Revised Conditional Use Permit shall be required for changes to an approved Conditional Use Permit where the findings set forth in Section 35-172.11.2 for Amendments cannot be made and substantial conformity cannot be determined.
- b. A Revised Conditional Use Permit shall be processed in the same manner as a new Conditional Use Permit.

SECTION 16:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

3. Time limit.

- a. Preliminary Development Plans.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the ~~Director, Zoning Administrator, or Planning Commission~~ the decision-maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.
- ~~b. Except as provided in Section 35-174.9.3 below, Final Development Plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.~~
- ~~c. In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire 10 years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant.~~

~~The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.~~

- ~~d. The limitation imposed by this section requiring time extensions to expire two years from the expiration date of the originally approved preliminary or final development plan shall not apply to applications for time extensions filed before July 18, 1996.~~

b. Final Development Plans.

1) Final Development Plans without approved phasing plans. If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.

a) Final Development Plans for agricultural developments. Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.

b) Final Development Plans for other than agricultural developments. Except as provided in Subsection 3.b)1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.

c) Time extensions. The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision-Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.

i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.

ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.

2) Final Development Plans with approved phasing plans. If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit shall be issued within the time limit(s) established by the phasing plan.

a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).

b) If the required time limit(s) in which to obtain the Land Use Permit for the first phase of the project authorized by the Final Development Plan has expired and an application

to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

- c) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2)c)i), above.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.10, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-174, Development Plans, to read as follows:

Sec. 35-174.10 Substantial Conformity, Amendments and Revisions.

Changes to a Preliminary or Final Development Plan; shall be processed as follows:

1. **Substantial Conformity.** ~~The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines~~ The Director may approve a minor change to an approved Final Development Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - ab. **Processing.** ~~No public noticing or public hearing shall be required for Substantial Conformity Determinations.~~
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - b 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
- c. **Land Use Permit required.** ~~Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.~~
 - 1) **Coastal Development Permit required.**
 - a) ~~Appealable development.~~ If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section

~~35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.~~

~~b) **Non-appealable development.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Coastal Development Permit, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.~~

~~e) **Findings.** Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit finding required in Section 35-169 (Coastal Development Permits), shall be made by the decision maker that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Final Development Plan.~~

~~2) **Land Use Permit required.** If the development and/or use allowed by the Final Development Plan is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Land Use Permit, an additional finding, in addition to Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the decision maker that the development and/or use allowed by the Land Use Permit substantially conforms to the Final Development Plan.~~

~~1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit approved in compliance with Section 35-178 (Land Use Permits) that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Final Development Plan.~~

~~**d. Expiration of Final Development Plan not revised.** Where a minor change to an approved Final Development Plan is approved by the approval of a Substantial Conformity Determination, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.~~

~~2. **Amendments.** Where a Final Development Plan is not in substantial conformity with the approved plan the Director may approve, or conditionally approve an application to alter, add replace, relocate, or otherwise amend a Final Development Plan, providing: Where the Director is unable to determine that a requested change to an approved Final Development Plan is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Final Development Plan in compliance with the following.~~

~~**a. Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).~~

~~1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in~~

conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

- a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
- b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

ab. Area under review. ~~The area of the proposed new development that is under review was 1) location within the project site that the subject of the application for the Amendment:~~

- 1) Was analyzed for potential environmental impacts and policy consistency as a part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
- 2) ~~was~~ Was not analyzed in a previous for potential environmental document impacts and policy consistency was not considered as part of the processing of the approved permit, but the proposed new development could be found to be exempt from CEQA environmental review in compliance with the California Environmental Quality Act.

c. Processing.

1) Development that may be appealed to the Coastal Commission.

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- d) Action and appeal.**
 - i) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

~~b.~~ **e) Findings for the Amendment.** ~~All of the following additional findings can be made~~
The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

- 1) ~~(i)~~ In addition to the findings required for approval of a Final Development Plan set forth in this Section 35-174.7, the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
- 2) ~~(ii)~~ The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously approved project. That the environmental impacts related to the development proposed by the application

for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.

f) Findings for the Coastal Development Permit. The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

~~e. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least 10 days prior to the date of the Director's decision as provided in Section 35-181 (Noticing). The Director may approve, conditionally approve, or deny the Amendment.~~

2) Development that may not be appealed to the Coastal Commission.

a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.

b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if determined to be unnecessary by the Director.

c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) Action and appeal.

i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.

ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

e) Findings for the Amendment. The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:

i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.

ii) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.

f) Findings for the Coastal Development Permit. The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.

d. Permit required prior to commencement of development. Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to

allow the development and/or use authorized by the Amendment in compliance with the following.

- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) ~~Appealable development~~ **Development that may be appealed to the Coastal Commission.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment. A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until the applicant has signed the Coastal Development Permit.
 - vi) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
 - b) ~~Non-appealable development~~ **Development that may not be appealed to the Coastal Commission.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Amendment, then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment. A Coastal Development Permit shall be approved and issued in compliance with Subsection 35-169.4.1. The Coastal Development Permit shall not be issued and deemed effective:
 - i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the

building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).

v) Until the applicant has signed the Coastal Development Permit.

2) **Land Use Permit required.** ~~If the development and/or use allowed by the Final Development Plan Amendment is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission, or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Amendment, the approval issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Amendment. The Land Use Permit shall not be issued and deemed effective:~~

i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).

ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.

iii) Until all necessary prior approvals have been obtained.

iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).

v) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. **Expiration of Final Development Plan not revised.** Where a minor change to an approved Final Development Plan is approved by the approval of an Amendment, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.

3. **Revisions.**

a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.

b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Expiration.

1. The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the date of decision-maker action except that a Land Use Permit approved or conditionally approved and unissued as of [effective date of ordinance] shall be valid for 12 months following [effective date of ordinance]. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.

2. A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for

Approval of a Land Use Permit) can still be made.

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.a of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

- a. The total area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District regulations.
 - 1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required pursuant to the applicable District regulations.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.5, Processing, of Section 35-179, Modifications, to read as follows:

Section 35-179.5 Processing.

1. ~~After acceptance of the Modification application, the Planning and Development Department shall process the project through environmental review~~ The Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to ~~Design Review in compliance with~~ the provisions of Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, ~~prior to~~ before the project being heard by the Zoning Administrator
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and either approve, conditionally approve, or deny the request.
4. Notice of the ~~time and place of said~~ hearing shall be given and the hearing shall be conducted in compliance with in the manner prescribed in Section 35-181 (Noticing).
- 4.5. The ~~Zoning Administrator decision-maker, in granting said~~ approving the Modification, may require such conditions as deemed reasonable and necessary to ~~assure that~~ promote the intent and purpose of this Article and the public health, safety, and welfare ~~will be promoted.~~
- 5.6. The ~~decision action of the Zoning Administrator decision-maker to approve, conditionally approve or deny a Modification~~ is final subject to appeal in compliance with Section 35-182 (Appeals).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director of the Planning and Development Department in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the decision-maker hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).

- 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
- b. A written request for public hearing is not received by the Planning and Development Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

SECTION 21:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 22:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 23:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2011, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

Board of Supervisors

Board of Supervisors Ordinance No. 4811

EXHIBIT 2

**Santa Barbara County LCPA
STB-MAJ-3-11-A**

Ordinance No. 4811

ORDINANCE NO. 4811

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS AND CORRECTIONS AND REVISIONS.

Case No. 11ORD-00000-00014 (Article II Coastal Zoning Ordinance)

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 1, IN GENERAL, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57A, Application Preparation and Filing, to read as follows:

Sec. 35-57A Application Preparation and Filing.

- A. Application contents.** Each application for a permit, amendment, or other matter pertaining to this Article shall be filed with the Director on a Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Planning Department application for the specific type of application. At a minimum, submittal requirements shall be in compliance with the application requirements identified in Division 11 (Permit Procedures) and other Divisions of this Article, and may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Article.
- 1. Defense and indemnification agreement.**
- a. Unless disallowed by State law, at the time of the filing of an application, the Owner/Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, an approval of the application by the County.
- (1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.
- B. Eligibility for filing.** An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this Article.
- C. Application fees.**
- 1. Fee schedule.** The Board of Supervisors shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Article,

hereafter referred to as the Board's Fee Resolution.

2. **Timing of payment.** Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.
3. **Refunds and withdrawals.** The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

SECTION 2:

DIVISION 2, Definitions of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to amend the existing definitions of "Driveway" and "Trailer read as follows:

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials, personal property or vehicles, including watercraft, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home; but not including mobile homes on a permanent foundation.

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definitions of "Adjacent," "Bedroom," "Charitable Function," "Contractor Equipment Storage Yard," "Department," "Fully enclosed or fully screened structure," "Motor vehicle," "Vehicle" and "Wastewater Treatment System" to read as follows:

Adjacent. See "abut."

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

Contractor Equipment Storage Yard. Indoor or outdoor facilities operated by, or on behalf of a licensed contractor for the storage of equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of the contractor's own equipment; and buildings or structures for uses including equipment repair. Includes building contractors, landscape contractors, sign contractors, etc. Does not include office-only facilities that are not located on the same site as storage and/or maintenance facilities. Does not include junk yards.

Department. The Santa Barbara County Planning and Development Department, referred to in this

Article as the "Department" or the "Planning and Development Department."

Fully enclosed or fully screened structure. A structure with (1) four walls that extend from the foundation floor to the roof of the structure, (2) a roof that completely covers the structure, and (3) doors that are kept closed and latched except when being used for egress and ingress to the structure. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window.

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

Motor vehicle, inoperative. A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Motor vehicle, operative. A motor vehicle that is able to be immediately started without any modifications or repairs and has a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wastewater Treatment System, Alternative. A wastewater treatment system that utilizes a mound or evapo-transpiration type system to treat sewage before disposal.

SECTION 4:

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-117A titled "Additional Standards for Residential Zones and Uses" and to read as follows:

Section 35-117A Additional Standards for Residential Zones and Uses

1. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as "parked" or "parking" within the meaning of this Section 35-117A) of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permits in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking in not in compliance with Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section 35-117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

a. **Current registration or certificate of non-operation required.** All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

b. Limitation on number.

- 1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

- a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:

- i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
- ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations, and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
- iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

- 2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

- a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal

dwelling.

- c. **Additional standards for inoperative motor vehicles.** The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:
- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
 - 2) Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
 - 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
 - 4) The parking of inoperative motor vehicles regulated under Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.
- d. **Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- e. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G.10, Storage of Trailers as accessory to a residential use, of Section 35-132, Trailer Use, to read as follows:

Section. 35-132.10. Storage of Trailers as an Accessory Use to a Residential Use.

Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.

1. Trailers shall not be kept, parked or stored in:
 - a. Required front setback areas.
 - b. Parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
2. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
3. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.

4. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
5. Trailers holding vehicles or used to store materials shall be in compliance with Section 35-144J (Accessory Storage).
6. The storage of a trailer does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the trailer will:
 - a. Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.
 - d. Meets all other exemption criteria in compliance with Section 35-169.2.1.

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

10. A residential second unit shall not be permitted on a lot in addition to:
 - a) A guest house.
 - b) Dwellings other than the principal dwelling that are determined to be nonconforming as to use.
 - c) A farm employee dwelling unless the lot is zoned AG-I in which case the residential second unit may be permitted in addition to a farm employee dwelling.

If a residential second unit exists or has been approved on a lot, a guest house or similar structure, not including farm employee dwellings on lots zoned AG-I, may not subsequently be approved unless the residential second unit is removed.

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144I titled "Animal Keeping" to read as follows:

Sec. 35-144I. Animal Keeping.

1. **Purpose and Intent.** This Section identifies zones that allow the keeping of household pets in addition to those zones where animal keeping is presently included. The intent of this Section is to ensure that the keeping of household pets does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, odor and noise), by providing standards for the keeping of household pets.
2. **Applicability.** This Section applies to the SR-M - Medium Density Student Residential (Section 35-76), SR-H - High Density Student Residential (Section 35-77), C-1 - Limited Commercial (Section 35-77A), C-2 - Retail Commercial (Section 35-78), C-V - Resort/Visitor Serving

Commercial (Section 35-81), PI - Professional and Institutional (Section 35-83), REC - Recreation (Section 35-89), MHP - Mobile Home Park (Section 35-91), and M-CR - Coastal Related Industry (Section 35-92).

3. **Standards.** Household pets shall be kept in compliance with the following standards:
- a) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - b) There shall be no more than three dogs permitted on a single lot.
 - c) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - d) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - e) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - f) No rooster or peacock shall be kept or raised on the lot.
4. **Accessory structures.** Buildings, and structures accessory and customarily incidental to the keeping of household pets may be allowed in compliance with the standards of the applicable zone and this Article.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144J titled as Accessory Storage and to read as follows:

Sec. 35-144J. Accessory Storage of Materials.

- A. **Purpose and Intent.** This Section provides standards for the keeping and maintaining of exterior storage accessory to the principal structure located on the lot on which the storage occurs or use of the lot on which the storage occurs. The intent of this Section is to ensure that the keeping and maintaining of exterior storage does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. **Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. **Standards for accessory storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish accessory storage except when 1) this Section requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169.2 (Applicability), or 3) the accessory storage is not in compliance with Section 35-169.2 (Applicability). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations,

1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

a) There is a valid building permit or planning permit in effect for the construction project; and

b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

2. Outdoor storage of miscellaneous materials. The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. **Area occupied by stored materials.**

1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
1 acre or larger	1,000 sq. ft.

2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

b. **Maximum height of stored materials:** Five feet.

c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high

solid wood fence or masonry wall.

- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas.
- e. **Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- f. **Noncompliance deemed a violation of this Article.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K titled as Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc., and to read as follows:

Sec. 35-144K. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.

- A. **Purpose and Intent.** This Section provides standards for the motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.. The intent of this Section is to ensure that motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. **Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. **Standards for motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as "work" within the meaning of this Section) on a motor vehicle is allowed only in compliance with the following standards. This Section shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35-108

(Required Number of Spaces: Residential).

3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Sec. 35-144J (Accessory Storage of Materials), above, and shall not be located on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-108 (Required Number of Spaces: Residential) as allowed by Subsection C.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 10:

DIVISION 8, Services, Utilities and Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.g of Section 35-147, Processing, to read as follows:

- g. Alternative waste disposal systems that utilize mound or evapo-transpiration systems;

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.10, Content of Application for a Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Subsection 19 to read as follows, and to renumber existing Subsection 19 as Subsection 20:

19. An application for a Coastal Development Permit for the development requested by the Demolition and Reclamation Permit application shall also be submitted and shall be processed concurrently and in conjunction with the Demolition and Reclamation Permit application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
20. Any other information deemed necessary by the Director to address site-specific factors.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.11, Processing of Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to read as follows:

Section 35-170.11 Processing of Demolition and Reclamation Permit.

1. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Planning and Development Department shall process applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.19, above.
 - a. A Demolition and Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. **Jurisdiction.**
 - a. **Appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.
 - b. **Not appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Director shall be the decision-maker for the Demolition and Reclamation Permit.
4. **Notice, public hearing and decision.**
 - a. **Demolition and Reclamation Permits under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Demolition and Reclamation Permit.
 - 1) Notice of the pending decision of the Director on the Demolition and Reclamation Permit shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Demolition and Reclamation Permit. Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
 - 3) The action of the Director on the Demolition and Reclamation Permit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action may be appealed within the 30 calendar days immediately following the decision.
 - b. **Demolition and Reclamation Permits under the jurisdiction of the Zoning Administrator.** A public hearing shall be required if the Zoning Administrator is the decision-maker for the Development Plan.
 - 1) The Zoning Administrator shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the

request.

- 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
 - 3) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals). Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
5. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Section 35-170.16 titled "Post Approval Procedures" to read as follows:

35-170.16 Post Approval Procedures.

Changes to an approved Demolition and Reclamation Permit shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Demolition and Reclamation Permit if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. **Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits shall be required).
 - 1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously

approved Demolition and Reclamation Permit.

- d. **Expiration of Demolition and Reclamation Permit not revised.** Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of a Substantial Conformity Determination, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.
2. **Amendments.** Where the Director is unable to determine that a requested change to an approved Demolition and Reclamation Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Demolition and Reclamation Permit in compliance with the following.
 - a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Area under review.** The location within the project site that the subject of the application for the Amendment:
 - 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
 - c. **Processing.**
 - 1) **Development that may be appealed to the Coastal Commission.**
 - a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - d) **Action and appeal.**
 - i) The Zoning Administrator shall hold at least one noticed public hearing on the application for the Amendment and the application for the Coastal

Development Permit and approve, conditionally approve, or deny the request.

- ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
- e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
- i) That the findings required for approval of the Demolition and Reclamation Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Demolition and Reclamation Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Demolition and Reclamation Permit.
- f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.
- 2) **Development that may not be appealed to the Coastal Commission.**
- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - d) **Action and appeal.**
 - i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
 - ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

- e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
 - i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or Land Use Permit shall be required in compliance with the following.
- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) **Development that may be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) Until the applicant has signed the Coastal Development Permit.
 - v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
 - b) **Development that may not be appealed to the Coastal Commission.** A

Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until the applicant has signed the Coastal Development Permit.
- 2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permit shall not be issued and deemed effective:
- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. **Expiration of Demolition and Reclamation Permit not revised.** Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of an Amendment, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.

3. Revisions.

- a. A Revised Demolition and Reclamation Permit shall be required for changes to a Demolition and Reclamation Permit where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Demolition and Reclamation Permit shall be processed in the same manner as a new Demolition and Reclamation Permit.

SECTION 14:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning

Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

3. Time limit.

a. Conditional Use Permits without approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit shall be issued.

- 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
- 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.
- 3) The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
 - a) A written request that includes a statement of the reasons for the time extension request is filed with the Department prior to the expiration date.
 - b) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
- 4) A Conditional Use Permit shall be considered void and of no further effect if:
 - a) The required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved, of
 - b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.

b. Conditional Use Permits with approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required or Land Use Permit shall be issued within the time limit(s) established by the phasing plan.

- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
- 2) If the required time limit(s) in which to obtain the required Land Use Permit for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- 3) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:

- a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
- b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.11, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-172, Conditional Use Permits, to read as follows:

Sec. 35-172.11 Substantial Conformity, Amendments and Revisions.

Changes to a Conditional Use Permit shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Conditional Use Permit if the Director first determines, in compliance with the County's Substantial Conformity Guidelines (see Appendix B), that the change is in substantial conformity with the approved Conditional Use Permit.
 - a. **Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. **Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required.
 - 1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit.
 - d. **Expiration of Conditional Use Permit not revised.** Where a minor change to an approved Conditional Use Permit is approved by the approval of a Substantial Conformity

Determination, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

2. **Amendments.** Where the Director is unable to determine that a requested change to an approved Conditional Use Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Conditional Use Permit in compliance with the following.
 - a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Area under review.** The location within the project site that is the subject of the application for the Amendment:
 - 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
 - c. **Processing.**
 - 1) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - 2) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - 3) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - 4) **Action and appeal.**
 - a) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - d) The action of the Zoning Administrator is final subject to appeal in compliance

with Section 35-182 (Appeals).

5) **Findings.**

- a) **Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
 - (i) That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.
 - (ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.
 - b) **Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or a Land Use Permit shall be required in compliance with the following:
- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - (i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - (ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (iii) Until all necessary prior approvals have been obtained.
 - (iv) Until the applicant has signed the Coastal Development Permit.
 - (v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

- 2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permits shall not be issued and deemed effective:
 - (1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - (2) Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
 - (3) Until all necessary prior approvals have been obtained.
 - (4) For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - (5) Until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.
- e. **Expiration of Conditional Use Permit not revised.** Where a minor change to an approved Conditional Use Permit is approved by the approval of an Amendment, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

3. Revisions.

- a. A Revised Conditional Use Permit shall be required for changes to an approved Conditional Use Permit where the findings set forth in Section 35-172.11.2 for Amendments cannot be made and substantial conformity cannot be determined.
- b. A Revised Conditional Use Permit shall be processed in the same manner as a new Conditional Use Permit.

SECTION 16:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

3. Time limit.

- a. **Preliminary Development Plans.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the the decision-maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the

Preliminary Development Plan must be received prior to the expiration of such Plan.

b. Final Development Plans.

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - b) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection 3.b)1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - c) **Time extensions.** The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision-Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.
 - i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.
 - ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.
- 2) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit shall be issued within the time limit(s) established by the phasing plan.
 - a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
 - b) If the required time limit(s) in which to obtain the Land Use Permit for the first phase of the project authorized by the Final Development Plan has expired and

an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

- c) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2)c)i), above.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.10, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-174, Development Plans, to read as follows:

Sec. 35-174.10 Substantial Conformity, Amendments and Revisions.

Changes to a Preliminary or Final Development Plan shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Final Development Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. **Land Use Permit required.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required.
 - 1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit approved in

compliance with Section 35-178 (Land Use Permits) that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Final Development Plan.

- d. **Expiration of Final Development Plan not revised.** Where a minor change to an approved Final Development Plan is approved by the approval of a Substantial Conformity Determination, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.
2. **Amendments.** Where the Director is unable to determine that a requested change to an approved Final Development Plan is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Final Development Plan in compliance with the following.
 - a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Area under review.** The location within the project site that the subject of the application for the Amendment:
 - 1) Was analyzed for potential environmental impacts and policy consistency as a part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
 - c. **Processing.**
 - 1) **Development that may be appealed to the Coastal Commission.**
 - a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

- d) **Action and appeal.**
 - i) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
 - (i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - (ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.
- 2) **Development that may not be appealed to the Coastal Commission.**
- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if determined to be unnecessary by the Director.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - d) **Action and appeal.**
 - i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.

- ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
 - i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or a Land Use Permit shall be required in compliance with the following.
 - 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) **Development that may be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).

- v) Until the applicant has signed the Coastal Development Permit.
 - vi) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
- b) **Development that may not be appealed to the Coastal Commission.** A Coastal Development Permit shall be approved and issued in compliance with Subsection 35-169.4.1. The Coastal Development Permit shall not be issued and deemed effective:
- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until the applicant has signed the Coastal Development Permit.
- 2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permit shall not be issued and deemed effective:
- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.
- e. **Expiration of Final Development Plan not revised.** Where a minor change to an approved Final Development Plan is approved by the approval of an Amendment, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.

3. Revisions.

- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Expiration.

1. The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the date of decision-maker action except that a Land Use Permit approved or conditionally approved and unissued as of [effective date of ordinance] shall be valid for 12 months following [effective date of ordinance]. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.
2. A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.a of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

- a. The total area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District regulations.
 - 1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required pursuant to the applicable District regulations.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.5,

Processing, of Section 35-179, Modifications, to read as follows:

Section 35-179.5 Processing.

1. The Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to the provisions of Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project being heard by the Zoning Administrator
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and either approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
5. The decision-maker, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Article and the public health, safety, and welfare.
6. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director of the Planning and Development Department in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the decision-maker hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
 - b. A written request for public hearing is not received by the Planning and Development Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

SECTION 21:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 22:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 23:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

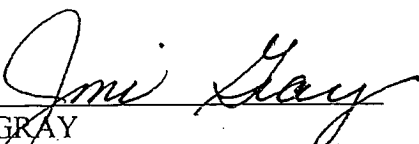
PASSED, APPROVED AND ADOPTED, by the Board of Supervisors of the County of Santa Barbara, State of California, this 1st day of NOVEMBER, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, Supervisor Lavagnino

NOES: None

ABSTAINED: None

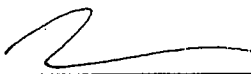
ABSENT: None



JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By 

Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 

Deputy County Counsel

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

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AMENDMENTS TO THE TEXT OF THE)
ARTICLE II COASTAL ZONING ORDINANCE OF)
CHAPTER 35 OF THE SANTA BARBARA COUNTY)
CODE, A PORTION OF THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM.)

RESOLUTION NO: 11 - 413
CASE NO: 11ORD-00000-00007
CASE NO: 11ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below:

1. **Case No. 11ORD-00000-00007: Telecommunications Ordinance Amendment, attached as Exhibit A:**

An Ordinance (Case No. 11ORD-00000-00007), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2, Definitions, and Division 7, General Regulations, to revise the existing procedures and development standards that regulate the construction and use of commercial telecommunications facilities.

2. **Case No. 11ORD-00000-00014: General Package Ordinance Amendment, attached as Exhibit B:**

An Ordinance (Case No. 11ORD-00000-00014), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, to implement a series of amendments that address emerging issues and correct and clarify existing ordinance language.

- D. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County and the Montecito Planning Commissions on the proposed amendments in duly noticed public hearings pursuant to Sections 65353 and 65854.

EXHIBIT 3

**Santa Barbara County LCPA
STB-MAJ-3-11-A**

Resolution No. 11-413

the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.

- E. The Board of Supervisors has held duly noticed public hearings in compliance with Section 65355 and 65856 of the Government Code on the proposed amendment, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- G. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Local Coastal Program.
- 3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
- 4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
- 5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, Supervisor Lavagnino

NOES: None

ABSTAIN: None


ABSENT: None



 JONI GRAY, CHAIR
 Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: 

Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: 

Deputy County Counsel

EXHIBITS:

- A. Case No. 11ORD-00000-00007: Telecommunications Ordinance Amendment
- B. Case No. 11ORD-00000-00014: General Package Ordinance Amendment