

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

**W19a**

November 29, 1995

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Acting District Director
Gary Timm, Assistant District Director
Mark H. Capelli, Coastal Program Analyst

RE: SANTA BARBARA COUNTY LCP: Land Use and Zoning Amendment 2-95 A and B
Public Hearing and Final Action at the California Coastal Commission
Hearing of December 12-15, 1995

Background

The County of Santa Barbara submitted Local Coastal Program Amendment (LCP) 2-95 A and B on September 11, 1995. The submittal was deemed complete and filed on October 10, 1995. The Amendment consists of two distinct elements: (A) an amendment to the County's LCP implementation plan to incorporate surface mining and reclamation standards into the Coastal Zoning Ordinance and amendments to the Goleta Growth Management Plan into the County Code, and (B) an amendment to the County's LCP Land Use Plan to reflect amendments to the Goleta Growth Management Ordinance, including measures to ensure consistency with the Goleta Transportation Improvement Plan. The Commission has previously certified the Goleta Transportation Improvement Plan as part of LCP Amendment 1-95 in September 1995.

Proposal and Staff Recommendation

The amendment proposal consists of two distinct elements: (A) an amendment to the County's LCP Implementation Ordinances to incorporate surface mining and reclamation standards, and (B) an amendment to the County's LCP Land Use Plan to reflect amendments to the Goleta Growth Management Ordinance, including measures to ensure consistency with the Goleta Transportation Improvement Plan.

The staff is recommending approval of the proposed amendment as submitted.

Additional Information

For further information about the amendment request, this report, or the amendment process, contact Mark H. Capelli, at the South Central Coastal Area Office, 89 South California Street, Ventura, CA (8905) 641-0142.

Exhibits

1. General Location Map
2. Resolution No. 95-389 Adopting Changes to LCP Land Use Plan and Implementation Ordinances.
3. Ordinance No. 4203 (Goleta Growth Management Plan)
4. Ordinance No. 4101 (Reclamation Plans and Surface Mining Permits)
5. Ordinance No. 4097 (Reclamation Plans and Surface Mining Permits)

I. STAFF RECOMMENDATION

A. Approval of Land Use Plan Amendment

Staff recommends the adoption of the following Motion and Resolution:

Motion I

I move that the Commission certify Amendment 2-95 B to the Santa Barbara County Local Coastal Program Land Use Plan as submitted.

Staff recommends a YES vote on motion I and adoption of the following resolution of certification and related findings. An Affirmative vote of a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby certifies the Land Use Plan amendment 2-95 B of the LCP Land Use Plan of the County of Santa Barbara and finds for the reasons discussed below that the amendment meets the requirements of and is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic goals specified in Section 30001.5 of the Coastal Act, and that the certification of the amendment meets the requirements of Section 210080.5(d)(2)(1) of the California Environmental Quality Act, as there are no further feasible mitigation measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

B. Approval of Implementation Measures As Submitted

Motion II

I move that the Commission reject the implementation plan amendment 2-95 A and B as submitted by the County of Santa Barbara.

Staff recommends a NO vote, which would result in the adoption of the following resolution of certification and related findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby certifies amendment 2-95 A of the implementation plan of the Santa Barbara County LCP on the grounds that the amendment to the Local Coastal Program Zoning Ordinance conforms to and is adequate to carry out the

provisions of the LCP Land Use Plan as certified. There are no feasible alternatives available which would substantially lessen any significant impacts which the approval of the implementation amendment will have on the environment.

II. RECOMMENDED FINDINGS

A. Findings for Resolution I (Land Use Plan)

The standard of review of LCP Land Use Plan Amendments are the policies of Chapter 3 of the California Coastal Act.

1. Background

The Commission previously certified a LCP for the County of Santa Barbara which includes the Goleta Valley Planning Area. The land uses in the Coastal Zone portion of the Goleta Valley Planning Area includes a mix of residential, agriculture, institutional, recreational, general commercial, and environmentally sensitive habitats. The County LCP also includes a number of policies regarding the protection of coastal resources, including water resources, and environmentally sensitive habitats governing development. The Commission has also certified a Goleta Community Plan for the Goleta Valley Planning Area which provides more specific direction for development and associated mitigations. (Amendment 2-93-C).

In 1990 the Commission certified an amendment (190-B) to the Santa Barbara County LCP which provided additional direction regarding the rate at which already permitted land-uses may be developed. The basic provisions of the previously certified Goleta Growth Management Plan consisted of limiting residential development to 200 units per year, and commercial development to 80,000 square feet per year, with allowance made for modifying these annual allotments by no more than 10%. The Goleta Growth Management Plan would run until 1999 when it would automatically terminate.

2. Proposal

The present amendment would modify the previously approved Goleta Growth Management Plan by increasing the maximum number of affordable residential units (to up to the ultimate residential density currently permitted), and increasing the amount of commercial /industrial development per year from 80,000 square feet to 120,000 square feet. Because of the existing pattern of parcelization and existing development, a majority of the allowable residential and commercial development would occur within that portion of the Goleta Valley Planning Area which lies outside the Coastal Zone.

The modifications would also incorporate provisions regarding the treatment of affordable housing and second units, previously certified as part of Commission LCP Amendments 2-93-B, 3-93-B, 2-94, and 1-95-A, into the Goleta Community Plan element of the County's Local Coastal Program. The modified Goleta Growth Management Plan would also incorporate the Goleta Transportation Improvement Plan previously certified by the Commission as part of LCP Amendment 1-95 E. (See Exhibits 1 and 2.)

3. Consistency with Coastal Act

The basic purpose of the Goleta Growth Management Plan is to pace the level of development within the Goleta Valley Planning Area. The basic provisions of the Goleta Growth Management Plan consist of limiting residential and commercial development allowed in a given year, with affordable housing being generally exempt from the annual housing allocations, though not from the ultimate density requirements contained in the County's previously certified Local Coastal Program. The present amendment retains the basic provisions of the previously certified Goleta Growth Management Program, but increases the number of affordable residential units, as well as the allowable commercial square footage, and incorporates into the Goleta Community Plan element of the County's Local Coastal Program Land Use Plan general housing and transportation provisions previously certified by the Commission.

PRC Section 30250 provides, in part, that:

- (a) 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.

The County of Santa Barbara's certified LCP contains a Land Use Plan with land use designations establishing types and intensity of allowable development and coastal policies regulating development within the Coastal Zone portion of the Goleta Valley Planning Area. The Coastal Zone portion of the Goleta Valley Planning Area extends from Eagle Canyon on the west to Hope Ranch on the east, and generally inland to either U.S. Highway 101 or Hollister Avenue (See Exhibit 1.) The Coastal Zone includes several large undeveloped privately held coastal properties, the University of California, the City of Santa Barbara Municipal Airport, and the Goleta Slough.

A majority of the undeveloped lands within the Coastal Zone portion of the Goleta Valley Planning Area are designated for planned residential development, or are designated and developed with agriculture. The major institutional uses (i.e., University of California and Santa Barbara Municipal Airport) are not controlled through the County's Local Coastal Program. Currently there are only two presently developed parcels which are designated for industrial development. Consequently, the Goleta Growth Management Plan will affect principally the pace of residential and commercial development within the Coastal Zone portion of the Goleta Valley.

In addition to the LCP Land Use Policies which the Goleta Growth Management Program will advance through the pacing of over-all development and the system of competitive rating, the County's certified LCP has policies regarding hazards, visual resources, energy, coastal access and recreation, environmentally sensitive habitats, and archaeology which the Commission has found to be adequate to control permitted land uses in a manner consistent with the applicable policies of Chapter 3 of the Coastal Act. The proposed Goleta Growth Management Program will be incorporated into the Goleta Community Plan portion of the County Local Coastal Program Land Use Plan and administered in conjunction with these policies.

The Commission therefore finds that the proposed Goleta Growth Management Plan as amended is consistent with and adequate to carry out the provisions of PRC Section 30250.

B. Findings for Resolution II (Implementation Measures)

1. Introduction

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

2. Goleta Growth Management Plan

a. Proposed Amendment

The present amendment would modify the previously approved Goleta Growth Management Plan by increasing the maximum number of affordable residential units (up to the ultimate residential density currently permitted), and increasing the amount of commercial /industrial development per year from 80,000 square feet to 120,000 square feet. The modifications would also incorporate provisions regarding the treatment of affordable housing and second units previously certified as part of Commission LCP Amendment 2-93-B, 3-93-B, 2-94, and 1-95-A. The modified Goleta Growth Management Plan would also incorporate the Goleta Transportation Improvement Plan previously certified by the Commission as part of LCP Amendment 1-95 E.

b. Consistency with County LCP

The Santa Barbara County LCP Lands Use Plan contains a number of policies regarding public services and resource protection (as well as protection and provision of affordable housing) which the Goleta Growth Management Program (as amended) is intended to implement. These include the following:

Public Services

LCP Policy 2-6 requires the County to make a finding prior to the issuance of a coastal development permit that adequate public or private services and resources for water, sewer, roads, etc are available to serve the proposed development. The LCP further provides that lack of available public or private services or resources shall be grounds for denial of the proposed project or reduction in the density otherwise indicated in the LCP Land Use Plan. The proposed Goleta Growth Management Program is intended to bring the over-all rate of development in the Goleta Valley (including the Coastal Zone portion) in line with identified limited public services, including water, sewer, and roads.

Residential Development

Policy 2-8 provides that in the Goleta Valley Planning Area the County shall give highest priority to low and moderate income housing and agricultural

expansion, followed by public recreation and visitor serving commercial uses (Policies 5-1 through 5-10 also address affordable housing issues.) While the Commission does not directly address the provision of housing through certification of LCP's, the County has chosen to retain and strengthen its housing provisions, and the proposed Goleta Growth Management Program is consistent with these provisions .

There are no visitor serving commercial land use designations within the Coastal Zone portion of the Goleta Valley Planning Area which would be affected by the Goleta Growth Management Program. There are, however, several public visitor serving facilities within the Coastal Zone portion of the Goleta Valley Planning Area (e.g., Goleta County Beach) and the Goleta Growth Management Program assigns competitive priority points to (or exempts from the provision of the program) public recreational uses.

Agriculture

Policies 8-1 through 8-10 provide for the protection and encouragement of agricultural lands. The Goleta Growth Management Program furthers the objective of these policies by pacing the growth of both residential and commercial/industrial development in the Goleta Valley Planning Area, which competes with agriculture operations.

Air Quality

Policy 11-1 applies the County currently adopted Air Quality Attainment Plan within the Coastal Zone. The degradation of air quality which is the result of development rates exceeding the measures to protect and improve air quality is one of the issues which has led the County to propose controlling the over-all rate of development in the Goleta Valley Planning Area. The Goleta Growth Management Program will address the air quality issue by not only limiting the over-all rate of development, but also by providing incentives for those projects which do not add to air emission, or which result in reduced air emissions

As noted above, the Goleta Growth Management Program would be incorporated into the County's certified LCP (Goleta Community Plan and County Code) and administered in conjunction with these policies.

The Commission therefore finds that the proposed Goleta Growth Management Plan amendment to the implementation plan is consistent with and adequate to carry out the provisions of the certified LCP Land Use Plan.

3. Surface Mining Provisions

a. Proposed Amendment

The proposed amendment element would add specific provisions to the implementation provisions of the Santa Barbara County Local Coastal Program for the regulation of surface mining operations as authorized by the California Surface Mining and Reclamation Act. (SMARA). None of these provisions supercede or modify the substantial resource protection policies of the Santa Barbara County LCP Land Use Plan or Zoning Ordinance.

The Surface Mining and Reclamation Ordinance establishes definitions, applicability of the ordinance, filing requirements, processing procedures, general performance standards, and required findings for the approval and abandonment of surface mining operations throughout the County, including the Coastal Zone. As noted, none of these provisions supercedes or affects the substantive requirements for the protection of coastal resources contained in the County's previously certified Local Coastal Program. (See Exhibits 4 and 5.).

b. Consistency with County LCP

The County certified LCP contains a number of resource protection policies which are applicable to surface mining operations. These include the following.

Groundwater Protection

LCP Policy 2-2 and 2-3 provides for the protection of groundwater basins within the coastal zone.

The approval of mining and reclamation plans approved under this amendment would require that water recharge potential, and storage capacity of groundwater aquifers which are the source of water for domestic, agriculture, or other uses dependent on the water, not be diminished except as allowed in the approved reclamation plan. Additionally, approval of a mining and reclamation plan under this amendment would require a finding that the operation would be consistent with the County's Local Coastal Program including applicable groundwater protection policies.

Hillside and Watershed Protection

LCP Policy 3-17 provides that slopes and soils which have been disturbed during grading or other development activities be stabilized through the planting of native plant materials or other appropriate non-native landscaping practices.

The approval of mining and reclamation plans under this amendment requires that vegetative cover be re-established which is suitable for the proposed end use and capable of self regeneration without continued dependence on irrigation. In addition soil analysis and test plots are required for each plan, and that the revegetation and or reestablishment of native plant cover be in conformance with the approved landscape plan.

LCP Policy 3-18 provides that run-off from disturbed sites be conducted through surface water drains to prevent erosion, and that runoff be retained on-site whenever possible to facilitate groundwater recharge.

The approval of mining reclamation plans under this amendment would require that surface mining and excavation activities be conducted to protect on-site and downstream beneficial use of water. Erosion and sediment must be controlled during all phases of construction, operation, reclamation, and closure of a surface mine to minimize siltation of watercourses and lakes.

Visual Resources

LCP Policy 4-2 provides that all commercial industrial and planned development be accompanied by a landscaping plan. LCP Policy 4-3 further requires that in rural designated areas, the height, scale and design of structures be compatible with the character of the surrounding natural environment and subordinate to the appearance of the natural landforms.

The approval of mining and reclamation plans under the proposed amendment must be found consistent with specific screening provisions of the ordinance which stipulates that screening or other aesthetic treatment such as berms, fences, planting of suitable shrubs, and or trees shall be required, where necessary, to minimize visibility from public views of slopes, or mining operations, structures, and equipment. Additionally, the proposed amendment includes a reclamation standard that requires that "The Reclamation Plan shall to the extent feasible, provide for the protection and reclamation of the visual resources of the areas affected by the mining operation."

Agriculture

LCP Policy 8-2 requires that agricultural designated parcels in rural area non-contiguous with urban rural boundary shall not be permitted to non-agricultural uses unless for a coastal priority use.

The mining and reclamation plans approved under the provisions of this amendment must conform to the following standards: For all mining operations on prime agriculture land where the end use is identified as agriculture, such operation must, in addition to complying with standards for topsoil salvage, maintenance, and redistribution, must also restore the fertility and productivity of all disturbed areas. Reclamation will be deemed complete only when the productive capability of the affected land has been restored or exceeds the pre-project conditions for at least two consecutive crop years. On non-prime land, in addition to top soil salvage, maintenance, and redistribution, non-prime agricultural lands must be reclaimed so as to be able to sustain economically viable production crops commonly grown in surrounding areas.

Environmentally Sensitive Habitats

LCP Policy 2-11 provides for the protection of habitats resources from adjacent development through set-backs, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

LCP Policy 9-2 provides that coastal dunes habitats be preserved and protected from all resource dependent and other uses, including resource dependent uses, and sand mining operations shall only be permitted where it can be shown that no alternative location is feasible, and provided that the development is sited and designed to minimize impacts on dune vegetation and animal species.

LCP Policy 9-40 provides that dredging, filling, and grading within stream corridors be limited to public trails, dams necessary for water supply projects, flood control projects where no other method of protection of existing structures in the flood plain is feasible, or development where the

primary functions are to improve fish and wildlife, pipelines, bridges, and culverts, and fences where no alternative route/location is feasible. Policy 9-41 also requires that all permitted construction and grading within stream corridors be carried out in a manner which minimizes impacts from increased run-off, sedimentation, biochemical degradation, or thermal pollution.

Approval of a mining and reclamation plan under this amendment would require a finding that the operation would be consistent with the Local Coastal Program, including applicable stream protection policies, and would specifically require revegetation of permitted mining sites with native plant materials

The Commission therefore finds that the proposed implementation plan amendment is consistent with and adequate to carry out the provisions of the certified LCP Land Use Plan regarding, groundwater protection, hillside and watershed protection, protection of scenic and visual resources, agriculture, and environmentally sensitive habitats.

III. LCP/CEQA

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program. The Commission originally certified the County's Local Program Land Use Plan and Zoning Ordinance in 1981 and 1982 respectively.

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and the consideration of mitigation measures to lessen significant environmental impacts to a level of insignificance. As discussed in the findings above, the proposed amendment would not modify the basic land use designations, or the substantive resource protection provisions of the previously certified Santa Barbara Local Coastal Program, and would therefore have no significant impacts within in the meaning of the California Environmental Quality Act.

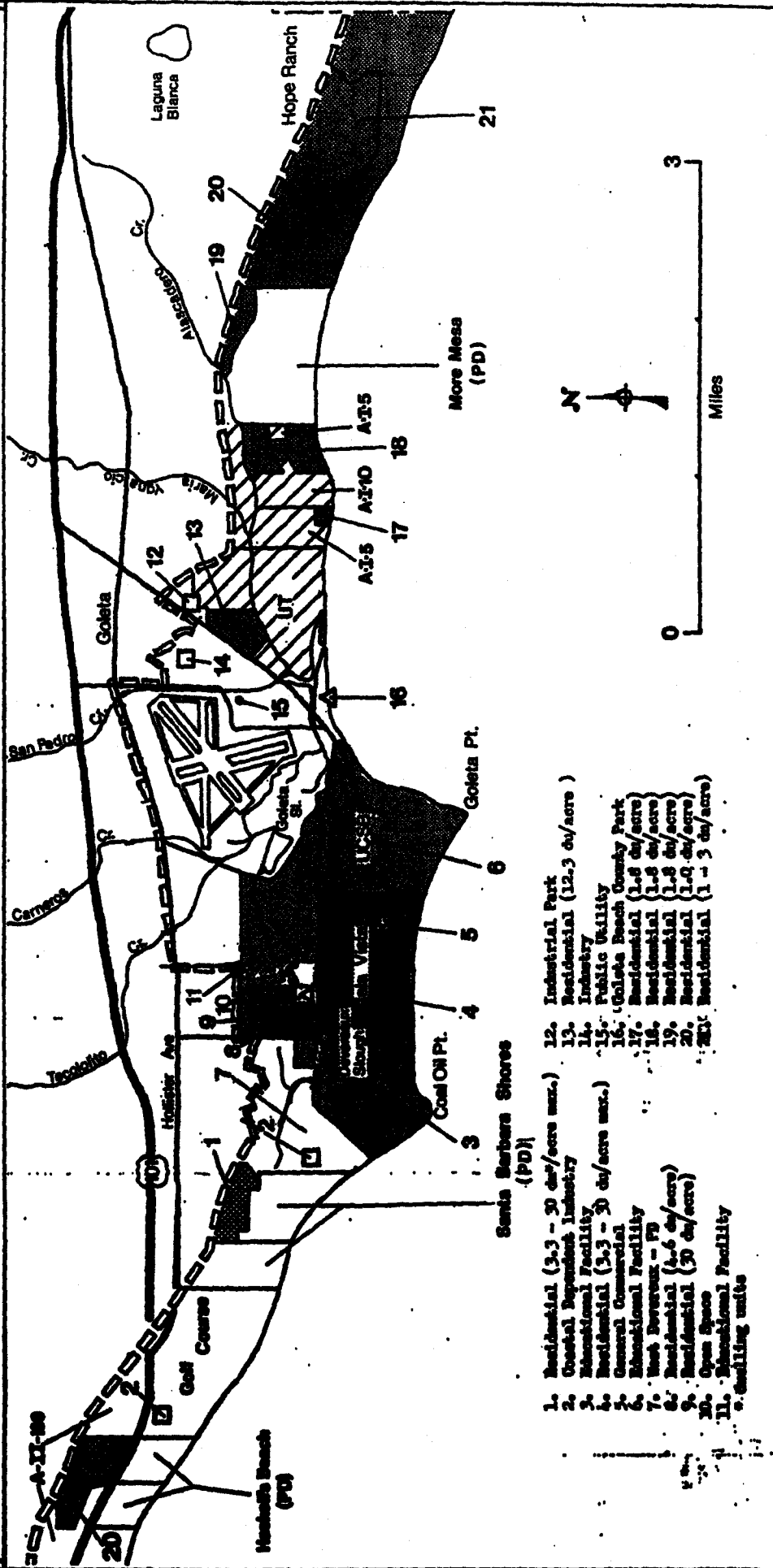
The amendment is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

EXHIBIT NO. 1

APPLICATION NO.

S.B. County LCP Amd

2-95 A & B



- 1. Residential (3.3 - 30 du/acre max.)
- 2. Coastal Dependent Industry
- 3. Industrial Facility
- 4. Residential (3.3 - 30 du/acre max.)
- 5. General Commercial
- 6. Educational Facility
- 7. West Eureka - PD
- 8. Residential (4.6 du/acre)
- 9. Residential (30 du/acre)
- 10. Open Space
- 11. Recreational Facility
- 12. Industrial Park
- 13. Residential (12.3 du/acre)
- 14. Industry
- 15. Public Utility
- 16. Goleta Beach County Park
- 17. Residential (1.8 du/acre)
- 18. Residential (1.8 du/acre)
- 19. Residential (1.8 du/acre)
- 20. Residential (1.9 du/acre)
- 21. Residential (1 - 3 du/acre)

FIGURE 4-8

**Generalized Land Use Plan
Goleta Planning Area
County of Santa Barbara
Local Coastal Program**

Land Use Designations - see text for definitions

- COMMUNITY FACILITIES
- INDUSTRIAL
- ▣ COMMERCIAL
- RESIDENTIAL (see map list for densities)
- COASTAL ZONE BOUNDARY
- OPEN LAND USES
- ▨ AGRICULTURE I and II
- △ RECREATION (existing C)

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

IN THE MATTER OF APPROVING)
SPECIFIC AMENDMENTS TO THE)
GOLETA COMMUNITY PLAN COMPONENT)
OF THE SANTA BARBARA COUNTY)
COASTAL LAND USE PLAN)

RESOLUTION NO. 95- 389
CASE NO. 95-GP-04

EXHIBIT NO. 2
APPLICATION NO.
S.B. County LCP Amd
2-95 A & B

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.
- B. In 1987, the Board of Supervisors appointed the Goleta General Plan Advisory Committee to assist the County in updating the Comprehensive Plan's goals, policies and land use designations as they pertain to Goleta.
- C. From 1987 to 1993, Community workshops and many public meetings were held to determine appropriate goals, policies, development standards, and land use designations for the Goleta Planning Area.
- D. In July, 1993 the Board of Supervisors of the County of Santa Barbara approved the Goleta Community Plan outlining the community goals and implementing policies.
- E. In June, 1994 the California Coastal Commission certified the Goleta Community Plan as part of the County's Local Coastal Program.
- F. In March 1995, the Board of Supervisors approved an agreement to settle litigation against the California Department of Housing and Community Development, and therein agreed to pursue specific amendments to the Goleta Growth Management Ordinance and various related Comprehensive Plan Amendments as might be necessary and appropriate.
- G. It is now deemed 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 the County that the Board of Supervisors amend the Goleta Community Plan as follows:
 - 1. Amend the first paragraph on p. 36, Existing Setting and Issues (Land Use-General), as follows:

"This section of the Community Plan addresses the type, location, intensity, and interrelationship of the various land uses within the Goleta Planning Area. The Land Use Plan is primarily based upon the needs of the community, existing and anticipated resource and service constraints, and provides for future growth in

~~Goleta as resources become available. The overall goal of the Land Use Plan is to give the community a balance of land uses that provide adequate housing, employment, shopping, and recreation for the people of Goleta. In order to provide this balance, the Land Use Plan must ensure that the population level of the Goleta area not exceed the resource and service capacity of the area, nor adversely alter the present quality of life and environment. Sufficient commercial and industrial acreage is provided to supply employment and commercial services to the population. Government, utility, and institutional space has been identified to serve the needs of the community. Finally, sufficient open space and agricultural lands are provided to maintain and enhance the existing character of the community and to meet the goals of preserving agriculture in the Valley. The Plan is structured to provide that growth is paced with respect to the constraints of public services and natural resources."~~

2. Amend the General Land Use Goal on p. 36 as follows:

~~"GOAL: To Balance The Community Growth Rate And Build Out Potential With The Available Resources And Services, To Strive Toward A Population Level For The Goleta Area That Does Not Exceed The Resource And Service Capacity Of The Area Nor Adversely Alter The Present Quality Of Life And Environment, To Provide Housing Affordable To All Goleta Residents, To Strive For A Balance Between Jobs And Housing, To Provide A Range of Commercial And Industrial Uses Which Promote Orderly Economic Development, And To Protect Natural Resources."~~

3. Amend Policy LU-GV-2 on p. 37 as follows:

~~"Policy LU-GV-2: Future growth and development shall occur only as resources and services become available and in a manner which minimizes construction related impacts on the community."~~

4. Amend Action LUI-GV-1.2 on p. 97 as follows:

~~"Action LUI-GV-1.2: The County Public Works Department shall review the projected cost of capital improvements to the circulation network needed to attain and maintain acceptable levels of service on area roadways and methods to fund such improvements, while attempting to minimize or reduce costs associated with the offsite road improvement fee program."~~

5. Amend p. 110, 1. Existing Setting and Issues (Growth Management), as follows:

~~"Historical development patterns in Goleta over the last 20 years have shown that residential development was being far outpaced by commercial/industrial development, and thus the jobs-housing "balance" was not in balance. As a method of slowing growth somewhat while the Plan was in process and also as a way to help plan for regular, somewhat predictable growth, a Growth Management Ordinance was developed and adopted for the Goleta Valley. The Ordinance limits residential development to 200 market-rate units a year with exemptions for projects which provide specified amounts of affordable housing as part~~

of their development (traditionally, there are approximately 125 units built per year on average) and ~~80,000~~ 120,000 square feet (sf) of commercial/industrial development a year (traditionally, there has been much more than 80,000 sf developed a year). ~~These two limits work to bring jobs and housing more into balance with each other and also help those who have to provide infrastructure for Goleta to be able to plan for how much development will occur over the time of the Ordinance (10 years).~~ The Goleta Growth Management Ordinance is considered an implementing tool of this Community Plan.

The Growth Management Ordinance was approved by the Board of Supervisors in December of 1989 and has been in effect since that time.

The policies of this Plan call for the Growth Management Ordinance to be amended to help achieve some of the goals of the Plan. These amendments call for extra incentives for development in the Old Town area, an adjustment to the square foot allocation system to recognize the lower-intensity uses on Service Industrial parcels, and finally, an extra allocation of commercial square footage for a regional mall in the Goleta area which will not diminish the allocation available to other projects.

The Ordinance was amended in 1995 to achieve the goals of the plan as well as Action 5.1.4 of the Housing Element which states that the County shall amend the "Goleta Growth Management Ordinance to allow sufficient permits to be allocated to meet the 1990-1997 Regional Needs Numbers for affordable housing, and reflect changes in the Housing Element Update."

6. Amend the third paragraph on p. 113, Public Facilities and Services Super Element, as follows:

"The policies of the Public Facilities and Services section recognize the autonomy of the independent service districts while also providing overall direction to County decision-makers as well as these districts in order to ensure that growth in the Goleta Valley is met with an corresponding increase in services necessary to provide for the health, safety and welfare of the citizens of Goleta."

7. Amend Section B, Roadway Standards, on p. 158 as follows:

"B. Roadway Standards: A project's consistency with this section shall be determined as follows:

- a. For roadways where the Estimated Future Volume does not exceed the acceptable capacity, a project would be considered consistent with this section of the community plan if the number of ADTs contributed by the project would not cause an exceedance of acceptable capacity.
- b. For roadways where the Estimated Future Volume exceeds the acceptable capacity but does not exceed Design Capacity, a project

would be considered consistent with this section of the community plan only if:

1) the number of ADTs contributed by the project to the roadway does not exceed 150 ADTs, or

2) if the project provides a substantial contribution to a high priority alternative transportation project (or projects) as identified in the GTIP that:

a) substantially improves the alternative transportation network,

b) has a reasonable relationship to the project, and

c) is proportional to the size and extent of the project's impact on Goleta's transportation system.

c. For roadways where the Estimated Future Volume exceeds the Design Capacity, a project would be considered consistent with this section of the community plan only if:

1) the number of ADTs contributed by the project to the roadway does not exceed 50 ADTs, or

2) if the project constructs or funds operation of a high priority alternative transportation project (or projects) as identified in the GTIP that:

a) substantially improves the alternative transportation network,

b) has a reasonable relationship to the project, and

c) is proportional to the size and extent of the project's impact on Goleta's transportation system.

8. Amend Section C, Intersection Standards, on p. 158 and 159 as follows:

"C. Intersection Standards:

Intersection capacity is stated in the terms of the proportion of the volume of traffic carried (V) to its design capacity (C); with a volume to capacity ratio (V/C) of 1.00 equal to gridlock, a V/C ratio of 0.90 equal to LOS E, on down to a V/C ratio of 0.70 equal to LOS C and a V/C ratio of 0.50 equal to LOS A.

a. Projects contributing Peak Hour Trips to intersections that operate at a Estimated Future Level of Service A shall be found consistent

with this section of the Community Plan unless the project results in a change in V/C ratio greater than 0.20.

- o For intersections operating at a estimated future Level of Service B, no project shall result in a change in V/C ratio greater than 0.15.
- o For intersections operating at a estimated future Level of Service C, no project shall result in a change of V/C ratio greater than 0.10.
- o For intersections operating at a estimated future Level of Service D, no project shall result in a change of V/C ratio greater than 0.03.
- o For intersections operating at a estimated future Level of Service E, no project shall result in a change of V/C ratio greater than 0.02.
- o For intersections operating at a estimated future level of Service F, no project shall result in a change of V/C ratio greater than 0.01.

b. Notwithstanding the standards in subdivision a. above, projects that send fewer than 15 peak hour trips to an intersection shall be considered consistent with the Community Plan.

b-c. In order to make a finding of consistency with the Community Plan wWhere a project's traffic contribution does result in a measurable change in V/C ratio and also results in a finding of inconsistency with the above intersection standards, the project shall be required to either:

1) construct intersection improvements that are sufficient to offset the project-associated change in V/C ratio, in excess of the applicable intersection standards above,

2) if the project constructs or funds operation of a high priority alternative transportation project (or projects) as identified in the GTIP that:

a) substantially improves the alternative transportation network,

b) has a reasonable relationship to the project, and

c) is proportional to the size and extent of the project's impact on Goleta's transportation system.

3) provide for a County-approved combination of the above.

~~associated with the project shall be required in order to make a finding of consistency with the Community Plan.~~

- ed. These intersection standards shall also apply to projects which generate Peak Hour Trips to intersections within incorporated cities that are operating at levels of service worse than those allowed by the city's Circulation Element."

9. Amend Section D, Special Standards for Projects which include Comprehensive Plan Amendments to Land Use Designations, on p. 159-160 as follows:

"D. Special Standards for Projects which include Comprehensive Plan Amendments to Land Use Designations

- a. Comprehensive Plan Amendments submitted by private applicants that propose changes in land use designation on any given parcel in the planning area shall be required to demonstrate that the proposed change in land use would not potentially result in traffic levels higher than those anticipated for that parcel by the Community Plan, its associated environmental documents and as identified by the ten year traffic model or future updated traffic models. If higher traffic levels could potentially result from such an amendment, then in order to approve the amendment, at least one of the following findings must be made by the Board of Supervisors:

- i. The increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Community Plan, or

- ii. Road improvements included as part of the project description are consistent with the community-plan GTIP and are adequate to fully offset the identified potential increase in traffic, or

- iii. Alternative transportation improvements are included as part of the project description that are consistent with the Community Plan, have a reasonable relationship to the project, and substantially enhance the alternative transportation system consistent with the GTIP."

10. Amend Section E, Exemptions, on p. 160 as follows:

- "E. Exemptions -- Roadway and Intersection standards stated above shall not apply to:**

- a. Land use permits and coastal development permits if the Zoning Administrator/Planning Commission/Board of Supervisors has taken final action on a valid prerequisite discretionary approval (e.g. FDP, CUP) and a finding of Comprehensive Plan consistency was made at the time of approval, and no substantial change has occurred in the project.
- b. Projects deemed complete prior to the adoption of this community plan which are designed to serve as a mitigation measure for, and were expressly embodied as a condition of approval of a previously approved project.
- c. Development Agreements for projects for which a Final Development Plan was approved prior to the adoption of this Community Plan and for which a Settlement Agreement expressly contemplates the County will enter into a Development Agreement for such projects in order to conclude the settlement.
- d. Projects for which a settlement agreement between the property owner and the County was entered into prior to the adoption of this Community Plan.
- e. The Affordable Housing Overlay sites Specified in this Community Plan where projects submitted on these sites contain a minimum of 50% of the units in price ranges affordable to persons of low or moderate income, consistent with the policies of the County's Housing Element.
- f. The accessory use portion of mixed-use projects. This exemption shall apply to a project where the accessory use portion is no greater than 5,000 square feet in size and where the mixed use accommodates alternative transportation and is likely to substantially reduce single-occupancy vehicle trips.

11. Change the Roadway Classifications of certain roadway segments in Table 10, on p. 155 and 156 as follows:

"Class P-1: Roadways designed to serve primarily non-residential development. Roadways would have a minimum of 12 foot wide lanes with shoulders and few curb cuts, signals spaced at one mile or more intervals. ~~No roadways in Geleta are suggested for this classification.~~

- Los Carneros (Hollister-El Colezio). 2 and 4 lane
- Cathedral Oaks (Westerly terminus-La Patera). 2 and 4 lane

Class P-2: Roadways which serve a high proportion of non-residential development with some residential lots and few or no driveway curb cuts. Lane widths are a minimum of 12 feet wide with well spaced curb cuts. Signal

intervals at about 0.5 mile intervals. Most roadways in Goleta presently classified "arterial" would be seen as qualifying for re-classification to this proposed class. This includes the following roadways:

- Hollister Avenue (entire length, except "Old Town"), 2 and 4 lane
- Cathedral Oaks (except area from La-Patera westerly terminus-Kellogg), 2 and 4 lane
- Storke/Glen Annie (Calle Real - El Colegio), 2 and 4 lane
- Los Carneros (Cathedral Oaks - Hollister southerly terminus), 2 and 4 lane
- Fairview (Cathedral Oaks-Hollister), 2 and 4 lane
- Patterson (Cathedral Oaks-Hollister), 2 and 4 lane
- Turnpike (Cathedral Oaks-Hollister), 2 and 4 lane
- Calle Real (east of Los Carneros), 2 and 4 lane

Class P-3: Roadways designed to serve non-residential development and residential development. More frequent curb cuts are acceptable. Potential signal intervals of 0.5 mile or less.

- Cathedral Oaks (La Patera-Kellogg), 4 lane
- Phelps Road, 2 lane
- Hollister Avenue (Kellogg-Fairview), 4 lane
- Glen Annie (Calle Real-Cathedral Oaks), 2 lane

Class S-1: Roadways designed to primarily serve non-residential development and large lot residential development with well-spaced driveways. Roadways would be two lanes with infrequent curb cuts. They are often signalized at intersections with primary roads. Several roadways presently designated "major road" or "collector" are suggested as appropriate for this class.

- Calle Real (Glen Annie-Brandon), 2 lane
- ~~Glen Annie (Calle Real-Cathedral Oaks), 2 lane~~
- Pacific Oaks Road (Hollister-Phelps), 4 lane
- South Kellogg (U.S. 101-southerly terminus), 2 and 4 lane
- Ekwil (entire length), 2 lane
- South Patterson (Hollister-Shoreline), 2 and 4 lane
- South Turnpike (Hollister-southerly terminus), 2 and 4 lane
- Camino Del Remedio (Calle Real to northerly terminus/Cathedral Oaks), 2 lane"

12. Amend the Goleta Circulation Goal on p. 161 as follows:

"Goal CIRC-GV: The County Shall Allow Reasonable Development of Parcels Within the Community of Goleta Based Upon the Policies and Land Use Designations Adopted in this Community Plan, While Maintaining Safe Roadways and Intersections That Operate at Acceptable Levels."

13. Amend Policy AQ-GV-2 on p. 183 as follows:

"Policy AQ-GV-2: The County shall strive to maintain the consistency of all land use planning with the Air Quality Attainment Plan."

14. Add Action G-GV-3.1 to follow Policy G-GV-3 on p. 114 as follows:

"Action G-GV-3.1: The County Administrator, in cooperation with affected County departments and service districts, shall prepare a comprehensive evaluation of service and infrastructure costs within the Goleta Planning Area, and possible ways to generate the revenues needed to cover such costs. The services and infrastructure needs examined shall include, but not necessarily be limited to, police and fire protection, parks and recreation, traffic and circulation, and public schools. This evaluation shall be completed, and presented for consideration and action by the Board of Supervisors, no later than December 31, 1996, unless the Board determines that financial or other limitations require a later completion date."

15. Add Actions SCH-GV-2.2 and SCH-GV-2.3 to follow Action SCH-GV-2.1 on p. 134 as follows:

"Action SCH-GV-2.2: The County shall cooperate with and assist the school district(s) in the formation of a Mello-Roos Community Facilities District(s), if and as economically and legally feasible, to provide the incremental funds needed to pace school facility development with the needs created by new development approved by the County. If such a District(s) is formed, the County shall require new discretionary development to participate in the District's funding mechanism(s).

"Action SCH-GV-2.3: The County shall provide appropriate assistance to the school district(s) in securing the voters' approval of local bond measures for school facilities."

- H. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendment(s) in a public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- I. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.
- J. These amendments to the Coastal Land Use Plan are consistent with the provisions of the Coastal Act of 1976.
- K. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.**
- 2. Pursuant to the provisions of Section 65356 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Local Coastal Plan.**
- 3. This Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.**
- 4. The Board shall submit these Local Coastal Plan 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.**

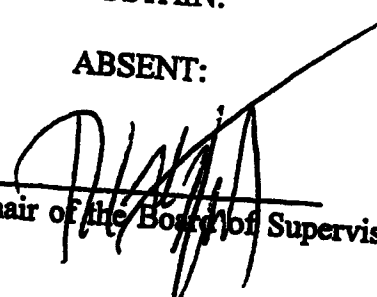
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of August 1995, by the following vote:

AYES: Supervisors Graffy, Staffel, Urbanske

NOES: Supervisor Schwartz, Wallace

ABSTAIN:

ABSENT:


Chair of the Board of Supervisors

ATTEST:

Zandra Cholmondeley
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
County Counsel

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ORDINANCE NO. 4203

(August 22, 1995)

EXHIBIT NO. 3
APPLICATION NO.
S.B. County LCP Amc
2-95- A & B

AN ORDINANCE AMENDING CHAPTER 35A OF THE COUNTY CODE, THE GOLETA GROWTH MANAGEMENT ORDINANCE (No. 3782 as amended by Ordinances 3899, 4023, 4030, 4104, 4141, 4147, and 4189), TO ADD EXEMPTIONS TO THE GROWTH MANAGEMENT PLAN FOR THE GOLETA PLANNING AREA BY AMENDING SECTIONS 35A-3, FINDINGS; 35A-4, DEFINITIONS; 35A-6, ESTABLISHMENT OF ANNUAL RESIDENTIAL AND COMMERCIAL/INDUSTRIAL PERMIT ALLOCATIONS; 35A-7, EXEMPTIONS; 35A-8, ADMINISTRATION OF EXEMPTIONS; 35A-9, COMPETITIVE RANKING AND PERMITS ISSUANCE SYSTEM; 35A-10, REVOCATION OF ALLOCATION; 35A-12, MODIFICATIONS; AND 35A-13, EXPIRATION, TO EXEMPT SPECIFIC AFFORDABLE HOUSING PROJECTS, ALLOW UNUSED RESIDENTIAL PERMIT ALLOCATIONS TO BE ADDED TO THE ALLOWANCE FOR THE SUBSEQUENT YEARS, ADD SPECIAL EXEMPTIONS FOR SMALL ADDITIONS TO EXISTING NON-RESIDENTIAL PROJECTS AND TO CLARIFY OUTDATED REFERENCES.

Case No. 95-OA-007

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

SECTION 1:

Subsections 3.4 and 3.5 of Section 35A-3, FINDINGS, of Chapter 35A of the Santa Barbara County Code are hereby amended as follows:

3.4 GROWTH RATE.

In order to address existing resource and service deficiencies identified in the EIR, including but not limited to the following areas: water supply and demand, waste water capacity, traffic capacity and levels of service, air quality, fire protection, and potential creation of significant jobs/housing imbalance, the Board of Supervisors finds that adoption of [REDACTED] 200 residential units [REDACTED] and [REDACTED] square feet of commercial/industrial development per year as the growth management rate for the Goleta planning area is necessary to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

3.5 MEASURES TO RELIEVE CONSTRAINTS.

The growth management program as implemented through this Ordinance will further and augment policies and goals of the Comprehensive Plan and Local Coastal Plan. The Growth Management Ordinance will, with other County-initiated measures, relieve the constraints that have required implementation of this Ordinance as follows:

3.5.1 Water: The Goleta Water District is presently developing a Goleta Water Supply Management Plan, which is intended to cure the existing overdraft in the Goleta groundwater

basin by the year 1999 and which will be accepted by the County for use in land use planning decisions. The adopted Growth Management rate will work in conjunction with this plan in pacing the rate of development during this time frame, allowing better coordination of water demand and supply projections in planning. Further, the Growth Management ordinance point system rewards those projects which develop additional water sources or which conserve water, for credit to the public purveyors, through approved means. Therefore, the Growth Management Ordinance will serve to implement applicable Land Use Element, Local Coastal Plan, and Conservation Element policies which encourage prudent management of water resources.

3.5.2 Circulation: The County ~~is developing~~ has adopted the Goleta Transportation Improvement Plan, a master roadway Capital Improvement Program Plan for all street transportation improvements in the Goleta Area. Development fees and other funding sources will be coordinated with this program to ensure completion of necessary roadway transportation improvements. Further, the County has adopted an ~~Interim Circulation Ordinance~~ the circulation component of the Goleta Community Plan to help lessen traffic impacts of new development and ~~is currently updating countywide Circulation Element Standards to ensure consistency with land use and growth plans.~~ The Growth Management Ordinance will ensure a steady, rather than erratic, growth rate, which, in conjunction with this Capital Improvement Program Plan, will serve to reduce the number of intersections presently operating at LOS C or worse. In addition, the Growth Management Ordinance point system encourages projects which can provide specific mitigation to especially degraded roadways transportation facilities. Thus, the Growth Management Ordinance will implement Land Use Element policies encouraging improvement of circulation in Goleta.

3.5.3 Sanitary: The Growth Management rate will allow up to ten years of expected growth within the upgraded, currently permitted (7.9 mgd) capacity of the Goleta Sanitary District Treatment Plant.

3.5.4 Air Quality: The Air Quality Attainment Plan (AQAP), currently being updated, will contain policies and provisions demonstrating attainment of Federal Air Quality standards in the South Coast area of Santa Barbara County. The Growth Management Ordinance will contribute to establishing a jobs-housing balance for Goleta, thus furthering policies in the Air Quality Supplement to the Land Use Element to help diminish widespread commuting trends.

3.5.5 Fire Protection: The County has developed a County Fire Master Facilities Plan (1986). The Growth Management Ordinance will complement this plan in pacing development to allow necessary fire facilities to become available concurrently with population increases.

3.5.6 Jobs-Housing: The Growth Management rate of 200 residential units ~~and 100,000~~ and ~~100,000~~ square feet of commercial/industrial development will allow a balance of jobs and housing opportunities to be maintained, alleviating the periods of imbalance which have occurred over the past 40 years in Goleta and consistent with a regional Jobs-Housing policy statement development by the ~~Area Planning Council~~ Santa Barbara County Association of Governments in the Jobs-Housing Study research Paper (April 1989 March 1995).

3.5.7 The adoption of this growth rate will allow other related special districts, including school districts, water districts, sewer districts, and related County service departments, to more effectively plan in reliance on a steady, rather than erratic, growth rate.

3.5.8 In providing a growth rate which coordinates jobs and housing opportunities in Goleta, the Growth Management Ordinance responds to concerns from North County jurisdictions for assistance in limiting the widespread residential development which has occurred in North County area to accommodate South County employees, without accompanying adverse circulation and air quality impacts of commuting.

3.5.9 The County has affirmative duties under state law to provide housing affordable to all economic segments of the community, to balance residential with commercial and industrial development, and to zone sufficient land to enable the development of such housing. The historic rate of commercial/industrial growth in the Goleta area has exacerbated the demand for low and moderate income housing without adequately mitigating those impacts and providing such housing opportunities. Exemption of 100% affordable housing [REDACTED] from the provisions of this Ordinance will allow for reduction in the existing need for affordable housing.

3.5.10 The Board of Supervisors finds that the implementation of this Growth Management Ordinance will be consistent with implementation of policies of the County's Housing Element. The [REDACTED] residential allocation of 200 units per year [REDACTED] will not preclude compliance with the Housing Element's identified fair-share objectives for the South Coast Housing Market Area.

a) The Growth Management Ordinance will permit housing development consistent with affordable housing objectives in conjunction with the following measures:

1. The Board has adopted amendments to the Housing Element which broaden the scope of the inclusionary program.
2. This Ordinance provides preference for low income units in exempting second residential units [REDACTED] and 100% affordable projects and excluding projects containing [REDACTED] income units over and above the Housing Element requirements from the competitive point system.
3. This Ordinance's competitive point system rewards the provision of [REDACTED] income units [REDACTED].
4. Commercial and industrial development which exacerbates the unmet need of the local affordable housing market, is being limited by this Ordinance to levels which match allowable levels of housing development.

3.5.11 Based on the above, the Board of Supervisors finds, pursuant to Government Code Section 65863.6, that the public service needs of the residents of the region and the lack of availability of fiscal and environmental resources outweigh any effect of this ordinance on the housing needs of the region in limiting the number of housing units which may be constructed on an annual basis. The Board further finds that the public health, safety and welfare of the County to be promoted by the adoption of this Ordinance justifies any reduction in the housing opportunities of the region, if such reduction exists.

3.5.12 The County is currently updating the Land Use and Circulation Elements has adopted the Goleta Community Plan which includes Land Use and Circulation Element components for the Goleta area. Proposed The goals, objectives and policies for of that updated plan, which will, upon adoption, supplant the Goleta Area Goals contained in the current Land Use Element, are predicated upon and strongly support a [REDACTED] growth management program in the Goleta area. ~~Consistency between this ordinance and the updated Land Use and Circulation Elements shall be reassessed after adoption of these amendments.~~

SECTION 2:

Section 35A-4 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-4 DEFINITIONS.

For purposes of this ordinance the following terms shall be defined as follows:

4.1 "New Development": Any change to unimproved or improved real property, including but not limited to, replacement, expansion, construction, reconstruction, or alteration of buildings or structures, which results in a net increase in the number of units (residential) or square footage (commercial/industrial). Any expansion of outdoor areas in conjunction with existing or proposed structural development which would lead to an increase in intensity of use on a parcel shall be considered new development for the purposes of this Ordinance. Greenhouses, lot line adjustments, and enclosure of existing uses for weather protection, soundproofing, and other purposes not intensifying the use of the development or parcel shall not be considered new development for the purposes of this Ordinance.

4.2 "Residential Unit": Any detached or attached living area which comprises an independent self-contained dwelling unit, including kitchen or cooking facilities, and is occupied or suitable for occupation as a residence for eating, living, and sleeping purposes.

4.3 "Commercial/industrial": Any non-residential land use, including but not limited to retail, office, professional commercial, research, manufacturing, heavy industry, hotels, motels, utilities, private recreational, agricultural support (except greenhouses) and cultural facilities.

4.4 "Low and/or Moderate Income Housing" and "Affordable Income Units" shall be as defined in the Housing Element.

4.5 "Growth Management Year": The first Growth Management Year shall be the period from December 7, 1989 through January 31, 1991. The second Growth Management Year shall be the period from February 1, 1991 through November 30, 1991. All Subsequent Growth Management Years shall be the period from December 1 through November 30 of the following year.

4.6 "[REDACTED] Pool": An allocation pool comprised of the [REDACTED] unused portion of the annual 200 residential permit allocation, beginning with the 1990 Growth Management Year residential allocation. This pool can be drawn from at any time by [REDACTED] projects [REDACTED]

could be less than 100 units after issuance of a project allocation, the Director may issue growth management allocations at his discretion pursuant to 9.4.5.F. or determine that allocations be obtained through the competitive ranking procedures described in Section 8.1. Upon exhaustion of the back permit, all project allocations shall be subject to the competitive ranking procedures described in Section 8.1.

4.7 "Service Industrial Development": Commercial/Industrial structures to house uses of a service or light industrial nature at a density of occupancy consistent with the purpose and intent of the Service Industrial-Goleta (M-S-GOL) zone district, as defined in Chapter 35, Articles II and III. In recognition of the lower-intensity development accommodated by this zone district, a growth management allocation shall be required for only 50% of the total square footage of qualifying development. The required allocation shall be obtained prior to issuance of a land use permit for any service industrial development, pursuant to the requirements of Sections 8.1 and 9.2.1. Prior to issuance of a land use permit for conversion of development granted an allocation under this provision to a more intensive use, the project applicant shall apply for and receive an additional allocation in an amount equivalent to the difference between the total square footage and the original allocation.

SECTION 3:

Section 35A-6 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-6 ESTABLISHMENT OF ANNUAL RESIDENTIAL AND COMMERCIAL/INDUSTRIAL PERMIT ALLOCATIONS.

6.1 Land Use Permits and Coastal Development Permits hereinafter to be issued while this ordinance is in effect shall be limited as follows:

a. Permits for a maximum of 2,600 new [redacted] residential units, to be allocated at a rate of 200 units per year;

b. Permits for a maximum of [redacted] square feet of commercial and industrial development, [redacted] 244,390 square feet to be available for the construction of Category C (b) projects upon completion of permit conditions, 76,000 square feet of which have been allocated pursuant to Section 7.3.c, and the remaining 497,366 square feet to be allocated at a rate of 55,263 square feet per year for the 1994-2002 growth management years. The Director of the ~~Resource Management Department~~ Planning and Development or the Board of Supervisors shall have the ability to reduce the annual allocation available upon entering into a settlement agreement as specified in Section 7.3.c, to account for the total square footage available given the total overall development permitted under the Ordinance.

6.2 The total annual allotment provided herein may be modified by the Board of Supervisors to an amount no greater than 10 percent of the base allotment for any given year pursuant to Section 35A-9.4.2 (C) and 9.4.3.

SECTION 4:

Section 35A-7 of Section 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-7 EXEMPTIONS.

There shall be three classes of exemptions:

7.1 "Category A": *projects which are exempt from competitive rating and which shall not be counted toward the maximum annual allotment established in Section 35A-6.*

7.1.1 Residential

a. **Grandfather projects:** Residential projects for the development of a parcel for residential use which received approval of a Final Development Plan, or entered into a Development Agreement prior to December 1, 1988 or projects for ultimate development of a parcel in which the original Parcel or Tract map received approval within the last five years preceding adoption of the Ordinance.

b. **Measure T Single Family Lots:** Up to 250 single-family, residential units which are not connected by reason of agreements, common construction plans, or a single-development scheme with other residential units, and which receive approval for a water meter from the Goleta Water District pursuant to "Measure T" (Water Fairness Initiative of November 3, 1987).

c. **Residential Facility for the Elderly:** Any Residential facility for the elderly, pursuant to the California Health & Safety Code.

d. **Homeless Shelters:** Facilities, approved or authorized by County decision-makers, which specifically serve as shelters for homeless persons.

e. **Residential Second Units:** Any second residential unit located in a single family zone district, which provides complete independent living facilities for one or more persons pursuant to Section 35-142 and 35-291 in Santa Barbara County Zoning Ordinances, Articles II and III.

f. **100% Affordable Projects:** Residential projects, or that portion of mixed use projects devoted to residential units, which maintain 100% of their units to be affordable to persons ~~as defined in the Santa Barbara County Code~~ under applicable policies of the Housing Element and Resource-Management Department Housing its Implementation Guidelines.

[REDACTED]

7.1.2 Commercial/Industrial

- a. Grandfather Projects: Commercial/industrial projects which received approval of a Final Development Plan, Conditional Use Permit or Development Agreement prior to December 1, 1988.
- b. Governmental Facilities: Governmental facilities including schools, fire, and police facilities, but not including utilities. Physical facilities for the direct transmission of electricity and gas or for the provision or transmission of water, sewage collection, treatment, reclamation or disposal, shall be exempt from the Ordinance provisions pursuant to this section. Associated offices are not exempt from the Ordinance provisions under this section.
- c. Day-Care: Facilities providing child/senior day-care, including those portions of larger projects devoted to child/senior day-care.
- d. Private Schools: Expansions to existing private secondary and/or elementary schools.
- e. Hospitals: Hospital facilities, as defined in County Zoning Ordinance Article III, up to a maximum exemption of 110,000 square feet over the life of this Ordinance. Hospital facilities shall not be subject to the maximum per project allocations of Section 9.4.5(a).
- f. Major Regional Shopping Center: Regional shopping center facilities for the Girsh parcel, APN 073-090-038 and -055, as described in the Goleta Community Plan, up to a maximum of 662,200 square feet over the life of this Ordinance. Major regional shopping center facilities shall not be subject to the maximum per project allocations of Section 9.4.5(a) but shall be subject to the annual maximum described in Section 8.2.4.

7.2 *"Category B": projects which are exempt from competitive rating, but which shall be counted towards the maximum annual allotment established in Section 35A-6.*



7.2.1 Residential:

- a) Projects in which at least 50 percent of the residential units are restricted so as to be affordable under the Housing Element and the ~~Department of Resource Management Housing~~ Implementation Guidelines; or



- b) Single family residences on parcels created prior to December 7, 1984 by previously approved parcel or tract maps which are not already exempted under Section 7.1.1(b), on a first-come, first-serve basis ~~up to an annual maximum of 25 units.~~

7.2.2 Commercial/Industrial:

- a) Small Projects: Commercial/industrial projects involving new structures,  , not to exceed 3,000 square feet up to a maximum of 20,000 square feet per

year. No more than a total of 3,000 square feet shall be granted to any one parcel or project pursuant to this Section over the life of this Ordinance. ~~In addition, no parcel or project may use both exemptions available under Section 7.2.2.a and Section 7.2.2.c for a combined total of more than 5,000 square feet over the life of the ordinance.~~

b) Non-profit Community Use Facilities: Non-profit community use facilities, including, but not limited to, churches, community centers, non-profit public sports facilities, non-profit health care facilities, non-profit museums/galleries, non-profit social service agency facilities, non-profit private schools, cultural facilities, and recycling centers, up to a maximum of 20,000 square feet per year.

~~c) Additions: Additions to existing commercial and industrial structures not to exceed 1000 square feet up to a maximum of 40,000 square feet per year. No more than a total of 1000 square feet shall be granted to any one parcel or project pursuant to this Section over the life of the ordinance. In addition, no parcel or project may use both exemptions available under Section 7.2.2.a and Section 7.2.2.c for a combined total of more than 5,000 square feet over the life of the ordinance.~~

7.3 "Category C": Projects which:

a. Received final Development Plan project approvals during 1988-89 which were specifically conditioned to be exempt from the competitive rating, but count towards the maximum annual allotment established in Section 35A-6; or

b. Were denied final project approval or were approved with conditions before or during 1988-89, which denial or approval with conditions is challenged in litigation pending at the time of adoption of this ordinance, provided that a court of competent jurisdiction enters a final judgement that the applicant was entitled to project approval or modified conditions, or approves a settlement agreement providing for or permitting project approval or modified conditions.

c. Were part of a subdivision approved before or during 1988-1989, and were subsequently denied final project approval, which denial is challenged in litigation, provided that a court of competent jurisdiction enters a final judgement that the applicant was entitled to project approval or approves a settlement agreement providing for or permitting project approval.

SECTION 5:

Section 35A-8 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35 A-8 ADMINISTRATION OF EXEMPTIONS.

8.1 All applicants for exemptions shall apply for Land Use or Coastal Development Permits from the Resource Management Department (RMD) Planning and Development (P&D) pursuant to all applicable provisions of the County Code. All projects, with the exception of those specified in paragraph 8.1.1, shall meet applicable project-specific conditions prior to applying for Land Use or Coastal Development Permits, except that payment of mitigation fees and/or posting of performance bonds may be deferred at the discretion of the RMD P&D Director until

said permits are to be issued. **RMD P&D** shall maintain a record of the number of permits issued.

8.1.1 Beginning with allocations for the 1991 growth management year, nonprofit projects which require an approval, license or permit from State or federal government agencies as a precondition of project construction or financing, which approval, license or permit requires evidence of the applicant's ability to proceed with the project under local land use and/or growth regulations before it can be accepted for processing, may apply for and obtain allocations hereunder provided that the **RMD P&D** director determines that the project is consistent with the General **Comprehensive** Plan and that the project applicant has made measurable efforts to comply with the requirements for issuance of a Land Use or Coastal Development Permit.

8.1.2 In the event an allocation granted under Section 8.1.1 is revoked pursuant to Section 35A-10, the applicant for such non-profit project may not reapply pursuant to Section 8.1.1, but shall meet standard requirements.

8.2 Category A exemptions which do not already contain categorical limits shall be processed on a first come, first served basis up to the following maximum limits:

8.2.1 Total annual allocation of 66 units for [REDACTED] exempted in Section 35A-7.1.1(c) (Residential Facilities for the Elderly) [REDACTED].

8.2.2 Total annual allocation of 19,000 square feet for the combined uses exempted in Section 35A-7.1.2(c) (day care) and Section 35A-7.1.2(d) (private schools).

8.2.3 In any Growth Management Year, once the maximum limits established in this Section 8.2 have been reached, any remaining eligible applicants may (a) submit their projects for competitive ranking pursuant to Section 35A-9, or (b) resubmit for a Category A exemption in the next Growth Management Year [REDACTED].

8.2.4 Total annual allocation of 331,100 square feet for the major regional shopping center use exempted in Section 35A-7.1.2(f). The first 331,100 square foot portion shall be granted upon compliance with conditions of approval as described in Section 8.1. The second allocation shall be granted only after completion of construction of the first phase.

8.3 In each Growth Management Year, Category B and Category C exemptions shall be processed on a first come, first served basis up to the maximum limits established for the respective categories in Section 35A-7.2, 8.4.1 and 8.6.1. If two or more applications are received on the same business day and exceed available allocations, the competitive ranking system in Section 35A-9 shall apply to determine priority.

8.4 The processing of Category B exemptions for Commercial/Industrial projects shall occur as follows:

8.4.1 The Director may, in his/her discretion, transfer allocation among [REDACTED] small projects and public use facilities upon the finding that: (a) the [REDACTED]

allotment for the transfer category will not be filled by applicants eligible in that category, and (b) the combined total allotment of Sections 7.2.2a and 7.2.2b shall not exceed 40,000 square feet in any given year.

8.4.2 In any Growth Management Year, once the maximum limits established in Section 35A-7.2 have been reached, any remaining eligible applicants may a) if a non-profit community use project (Section 7.2.2) utilize any remaining square footage which is unused from the 19,000 square foot annual allocation under Section 8.2.2, or (b) submit their projects for competitive rating pursuant to Section 35A-9, or (c) resubmit for a Category B exemption for the next Growth Management Year.

8.4.3 Where a single project would exceed the total allowable square footage available under this exemption, such applicant may receive a voucher for the square footage allocated to that project in that year. Vouchers may be accumulated until the applicant is eligible to receive a Land Use or Coastal Development Permit.

8.5 The processing of Category B exemptions for residential projects shall occur as follows:

8.5.1 ~~Allocation of 40,000 of the 200-unit annual allocation for residential permits shall be available to the Competitive Bid each year. Twenty five of the remaining 15,000 units shall be allocated to single family projects as described in Section 7.2.2. The remaining 15,000 units shall be available for a first come first served basis to other projects. Section 7.2.2 and 7.2.2b shall be available for a first come first served basis at the end of the Growth Management Year along with any unallocated units for single family houses shall be available to the Competitive Bid for that year. Any units not allocated shall remain available for projects in the Competitive Bid process. Allocation shall be issued to qualified projects on a first come basis, subject to the limitations described in Section 7.4.5.~~

~~8.5.2 Allocation of 40,000 of the 200-unit annual allocation for residential permits shall be available to the Competitive Bid each year. Twenty five of the remaining 15,000 units shall be allocated to single family projects as described in Section 7.2.2. The remaining 15,000 units shall be available for a first come first served basis to other projects. Section 7.2.2 and 7.2.2b shall be available for a first come first served basis at the end of the Growth Management Year along with any unallocated units for single family houses shall be available to the Competitive Bid for that year. Any units not allocated shall remain available for projects in the Competitive Bid process. Allocation shall be issued to qualified projects on a first come basis, subject to the limitations described in Section 7.4.5.~~

~~8.5.3~~ 8.5.2 Where a single project would exceed the total allowable-unit available allocations ~~available under this exemption~~, such applicant may receive a voucher for the units allocated to that project in that year. Vouchers may be accumulated until the applicant is eligible to receive a Land Use or Coastal Development Permit.

8.6 The processing of Category C exemptions for Commercial/Industrial projects shall occur as follows:

8.6.1 Land use and Coastal Development permits for Category C (a) exemptions shall be limited to a maximum of 15,263 square feet plus any unallocated square footage from previous years pursuant to Section 9.4.5.C. This square foot amount shall be separate from the 40,000 square foot allotment designated for Category B exemptions.

8.6.2 In any Growth Management Year, once the square footage established pursuant to Section 8.6.1 is awarded to qualifying projects, Category C (a) projects may utilize any remaining square footage which is unused from the Category B 40,000 square foot allocation from Sections 7.2.2.a and 7.2.2.b as determined at the end of the then-current Growth Management Year. If any additional square footage is necessary, applicable Category C (a) projects may hold whatever portion of square footage is received as a 'voucher', as described in section 9.4.5.D. To receive the remainder of their project allocation, they may resubmit for a Category C (a) exemption for the next Growth Management Year.

8.6.3 Category C (b) projects shall be issued land use permits upon satisfaction of conditions of approval for the projects and are not subject to the square footage limitations specified in this Ordinance.

8.6.4 Category C (c) projects shall be issued land use permits upon satisfaction of conditions of approval for the project. Allocations for such projects would count against the total allocations available over the life of the Ordinance. To account for such allocations, the total available allocations remaining over the life of the Ordinance and available for annual allocation shall be reduced, as specified in Section 6.1.b, effective the date of any settlement agreement subject to Category C (c).

SECTION 6:

Section 35A-9 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-9 COMPETITIVE RANKING AND PERMITS ISSUANCE SYSTEM.

9.1 All projects which are not exempt under Section 35A-7 shall be subject to a competitive ranking system as set forth below.

9.2 Point Allocation System

Competing projects shall be evaluated under the following criteria:

9.2.1 All projects shall apply for permits under standard **RMD P&D** procedures. All projects, with the exception of those specified in paragraph 8.1.1, shall meet applicable project-specific conditions prior to applying for Land Use or Coastal Development Permits, except that payment of mitigation fees and/or posting of performance bonds may be deferred until said permits are to be issued. Where map recordation is required as a condition of eligibility for the granting of growth management allocation for Land Use or Coastal Development permits, all applicable project specific conditions for map recordation and Land Use or Coastal Development Permits shall be met, except that payment of mitigation fees and/or posting of performance bonds for recordation or permit issuance may be deferred until said permits are to be issued.

9.2.2 During project review, **RMD P&D** shall assess the projects under the following point system:

POSSIBLE POINTS

(Maximum 12 Points possible)

A. WATER RESOURCES

The project proposes no new net usage of water beyond the site's accepted historic use 3 points

The project proposes to provide additional net water, through conservation or other approved methods, for public use (credit to purveyor): 1-5 AFY 2 points 5-10 AFY 3 points

Each additional 2 AFY 1 points

Credit for historic water use on a site shall be proportionally distributed to all the existing and proposed uses, whether or not they are exempt from this Ordinance, for the purpose of determining net water usage for point assignment. Water available to a project site through the judgment for Wright v. Goleta Water District shall not be counted as historic water use for the purposes of this Ordinance.

B. CIRCULATION & TRAFFIC

(Maximum ~~15~~ 18 Points possible)

The project proposes no new net ADTs or PHTs beyond the site's accepted historic traffic generation: 3 points

In addition to required traffic mitigation, the project proposes to:

1. Provide improvement to improve V/C ratio by at least .05 at intersections presently operating at LOS D or worse: 4 per int.

2. Provide improvements to improve V/C ratio by at least .02 at intersections presently operating at LOS D or worse: 3 per int.

3. Provide physical roadway (non-intersection) improvements to a roadway link presently operating over its Circulation Element capacity level 4 per link

4. Provide ~~Transportation Demand Management (TDM) measures over and above those required under any South Coast TDM Ordinance or other applicable regulations (e.g. accessibility or contribution to transit, bike improvements)~~



Improvement Plan's (GPIP) high priority capital improvement list

1-3 3-6 points

C. PUBLIC SERVICE BENEFITS

(Maximum 5 Points possible)

In addition to standard public service benefits (e.g. Park, School fees), the project contributes to the development of public services or improvements to public facilities that benefit the Goleta area, including recreational areas, day care centers, surplus parking in downtown Goleta, etc.

1-5 points

D. SITE/COMMUNITY DESIGN BENEFITS (Maximum 5 Points possible)

In addition to meeting standard criteria, the project provides additional design/environmental benefits, either on the project site or elsewhere in the community, including but not limited to special clustering with open space preservation, on-site habitat restoration (or contribution to County Flood Control creek restoration fund), contributions to any applicable Goleta open space land purchase program, public art.

1-5 points

E. HOUSING

(~~17~~ 20 points possible)

~~The project would generate a demand for no new affordable units, per County housing impact guidelines~~ 3 points

Projects which provide affordable housing over and above Housing Element requirements:

1. Higher percentage of low-income units 2 pts. per unit
2. Higher percentage of moderate-income units 1 pt. per unit

F. REDUCED DENSITY (C/I only)

(Maximum 5 Points possible)

The project proposes densities below the allowable density for the zone district and land use designation.

In order to be eligible for points, the applicant shall be required to provide a covenant running with the land, for which the County of Santa Barbara shall be beneficiary, guaranteeing the perpetuation of the density reduction.

1-5 points

G. REDEVELOPMENT PROJECTS

(3 points)

The project is located within an area under authority of an established County Redevelopment Authority, and furthers the objectives of that Redevelopment Authority.

3 points

H. OLD TOWN PROJECTS

(3 points)

The project is located within the Old Town area, as depicted in Figure 20, page 85, of the Goleta Community Plan.

3 points

9.3 Assignment of Points

9.3.1 Discretionary projects: Projects requiring approval from the Zoning Administrator, Planning Commission and/or Board of Supervisors shall be evaluated by RMD P&D staff under the point allocation system prior to the hearing on the projects. The decision maker may modify the staff's recommendation. The point assignment shall be adopted by the decision-makers as a finding of approval.

9.3.2 RMD P&D permits: Projects for development which do not require discretionary permits shall be evaluated by RMD P&D staff pursuant to the point allocation system upon submittal of applications for Land Use or Coastal Development Permits.

9.3.3 Any projects subject to the provisions of this Ordinance which were approved by a County decision-maker prior to adoption of the point allocation system contained in Sec 9.2, or exempt projects for which sufficient permits are not available in any given Growth Management Year, shall be subject to an additional hearing, before the decision-maker for the sole purpose of assigning a point total.

9.3.4 Appeals: All appeals of decision-maker action on point assessment must be filed within 10 days of such action, pursuant to ordinance requirements governing appeals.

9.4 Competitive ranking

9.4.1 By December 7, 1989 and each successive December 1 for years during which the ordinance is in effect, RMD P&D shall compile a list of all permits issued during the preceding

Growth Management Year pursuant to ~~the Residential Rollover Pool and~~ Category A, B, or C exemptions, and determine the remaining available allotments (number of dwelling units and square feet) available for distribution pursuant to competitive ranking.

9.4.2 By February 28, 1991 and each successive December 31, for years during which the Ordinance is in effect, the Director shall compile and forward a report to the Board of Supervisors for consideration of the following:

A. Projects issued permits under ~~the Residential Rollover Pool and~~ Exemption Categories A, B and C and the status of any projects from any applicable exemption category which did not receive full project permit allocations and are either entering the competitive allocation pool or are deferring until the following year's exemption allocations.

B. Projects included in the competitive ranking pool, corresponding point assignments, and staff recommendations for allotments.

C. Any petitions for the Board's 10% discretionary allotment and staff recommendations on each.

D. Any staff recommendations on ordinance amendments to assist the administration of this Ordinance.

9.4.3 The Board of Supervisors shall receive this report and schedule a hearing to:

A. Review and accept the staff-recommended rankings.

B. Hear any requests from applicants regarding the rankings and perform any modifications to such rankings.

C. If necessary, Review and take action on any requests for allocations under the competitive ranking and permit issuance system (Section 35A-9) and the Board's 10% discretionary allotment.

D. Review and take action upon any staff recommendations for ordinance amendments.

E. If any projects competing for limited permit allocation have been assigned an equal point total, the Board of Supervisors shall make a finding determining the appropriate permit issuance, based on public benefit.

9.4.4 On June 15, 1994 and each successive June 15 for years during which this Ordinance is in effect, RMD P&D shall compile a mid-year report listing all projects ~~included in the competitive ranking pool as of June 1.~~ If necessary, The Director of RMD P&D shall review and accept the staff-recommended ranking, modify the ranking based upon written comments received, and take action to issue allocations to residential and commercial/industrial projects. Commercial/industrial allocations issued at this time shall not exceed the total commercial/industrial rollover as defined in Section 9.4.5.C plus 50% of the total annual commercial/industrial allocations available to the competitive pool. Commercial/industrial square footage identified for Category B (Section 7.2.2)

projects shall not be available at this time. Residential allocations issued at this time to competitive pool projects shall not exceed 25 100 units (50% of the annual allocation units guaranteed to competitive pool projects annually as defined in Section 8.5.1). Residential allocations in the Affordable Housing Residential Rollover Pool would remain available at any time to qualified projects as defined in 8.4.3 as described in Section 8.5.1. Commencing on the date of action on the mid-year report by the Director and continuing for a period of 10 days, notice of the action shall be posted with the Clerk of the Board of Supervisors and posted on the project site by the applicant. Notice shall also be furnished to any individuals requesting such notice. The Director's decision on the mid-year report shall be subject to appeal to the Board of Supervisors.

9.4.5 Following Board of Supervisors action on the Director's Growth Management Annual Permit Allocation Report and the Director's action on the mid-year report, allocations for Land Use or Coastal Development permits shall be granted subject to the following:

A. Upon exhaustion of the Residential Rollover Pool, ~~No~~ single residential project shall receive an allocation for Land Use or Coastal Development Permit (or a voucher towards an allocation) for more than 100 units during any given year, unless the Director finds that an allocation of greater than 100 units would not cause the available yearly allocation, ~~or availability of Affordable Housing Pool allocations,~~ to be exceeded. No single commercial/industrial project, with the exception of Category C (b) or (c) or Section 7.1.2(f) (major regional shopping center) projects, shall receive an allocation (or a voucher for allocation) for more than 60,000 square feet during any given year, unless the Director finds that an allocation of greater than 60,000 square feet would not cause the available yearly allocation to be exceeded.

B. Projects with the highest point totals shall be issued allocation (or vouchers for allocation toward land use permits or coastal development permits at some future time within the project's specified permit life) up to the maximum annual per-project provisions cited in subsection "A" above.

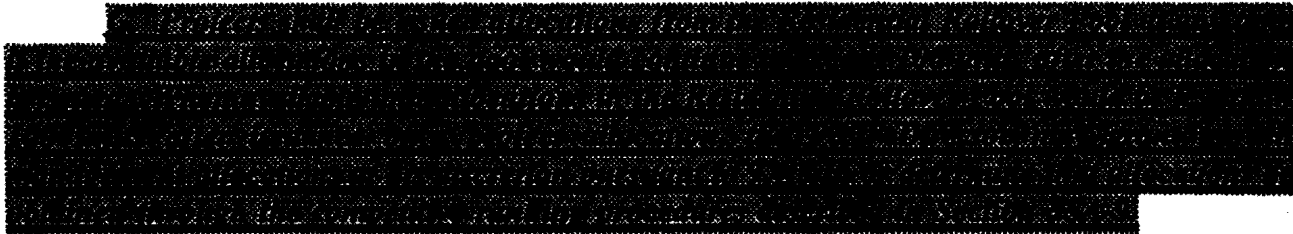
C. If all competing residential projects receive necessary allocations prior to the exhaustion of the annual allocation for that year, any remaining allocation amount shall be carried over to the next year and placed in the Residential Rollover Pool. The residential allocation in this pool may be issued to projects. The unused allocation in this pool shall be carried forward each year and shall remain in the Residential Rollover Pool until allocated. There shall be no per-project limit on the number of allocations issued from this pool. If all competing commercial/industrial projects receive necessary allocations prior to the exhaustion of the annual allocation for that year, any remaining allocation amount shall be carried over to the next year and placed into the allocation for the Category C(a) and competitive projects.

D. Any eligible project which does not receive an allocation in a given period which is sufficient to obtain a Land Use or Coastal Development permit shall receive a voucher toward full allocation through a voucher system until such time as the total allocation cent that applicable project-specific conditions, including payment of fees and posting of bonds or performance securities, have not been met, and a Land Use or Coastal Development Permit has not been

obtained within twenty four (24) months of the date full allocation for the project has been granted, said allocation may be revoked if the ~~RMD~~ P&D Director determines that measurable efforts are not being made. Revoked allocations shall revert to the category from which they were granted, in the year in which they were granted and shall be administered as described in Sections 35A-8 and 35A-9. This Revocation Clause shall apply to all allocations granted from January 1, 1992 forward.

E. Any project which is actively pursuing full project permit allocation under Subsection "D" above, shall be eligible to have its mandated permit time limits (e.g. Development Plan, Conditional Use Permit) extended by the applicable decision-makers for purposes of allowing sufficient time to receive full permit allocation.

F. The ~~P&D~~ Director of Resource Management may, in his or her discretion, grant growth management allocation for residential projects prior to action on the Director's Growth Management Annual Permit Allocation Report or mid-year report based on the Director's finding that granting such allocation will not cause the annual applicable growth management allocation to be exceeded, considering all pending and previously approved residential projects.



SECTION 7:

Section 35A-10 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-10 REVOCATION OF ALLOCATION.

10.1 In the event that applicable project-specific conditions, including payment of fees and posting of bonds or performance securities, have not been met, and a Land Use or Coastal Development Permit has not been obtained within twenty four (24) months of the date full allocation for the project has been granted, said allocation may be revoked if the ~~RMD~~ P&D Director determines that measurable efforts are not being made. Revoked allocations shall revert to the category from which they were granted, in the year in which they were granted and shall be administered as described in Sections 35A-8 and 35A-9. This Revocation Clause shall apply to all allocations granted from January 1, 1992 forward.

10.1.1 Revoked allocations which revert to exempt categories shall be made available on a first-come basis to all qualifying projects which are eligible to receive allocations pursuant to Section 8.1. The date of submittal for an allocation under the Growth Management Ordinance shall be used to determine the order in which projects will be considered for allocations on a first-come basis and competitive rating if applicable. Projects which lost their allocation under the conditions specified in Section 10.1 above, shall may resubmit after their revocation date if desired, and this resubmittal date shall be used to determine that project's eligibility for an allocation in relation to other projects.

SECTION 8:

Section 35A-12 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-12 MODIFICATIONS.

This Ordinance shall be reviewed for possible amendments by the Board of Supervisors at least once every five years during its life. This Ordinance may be modified as necessary by the Board of Supervisors to account for:

12.1 Changes in County-wide or Goleta-area plans and policies. ~~Consistency between this ordinance and the updated Land Use and Circulation Elements shall be reassessed after adoption of these amendments.~~

12.2 Changes in County's ~~or Goleta-area fair share of regional housing needs. Once the Housing Element is updated based on 1990 census data and new fair share estimates are produced, the residential growth rate shall be re-evaluated and adjusted to ensure that affordable housing needs are met.~~

12.3 Evaluation of effectiveness of measures to relieve resource or service constraints.

12.4 Evaluation of effectiveness of measures to achieve a jobs/housing balance.

12.5 Additions to or deletions from projects exempt under Category C.

SECTION 9:

Section 35A-13 of Chapter 35A of the Santa Barbara County Code is hereby amended as follows:

Section 35A-13 EXPIRATION.

13.1 This ordinance shall expire on December 31, 2002 unless the Board of Supervisors extends its provisions by amendment. It shall also cease to be in effect at any time the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.

13.2 The ~~P&D~~ Director of the ~~Resource Management Department~~ shall by December 31, 1993 and annually thereafter, compile and forward to the Board for consideration a report on the considerations relevant to the public health and safety findings in Section 35A-3 regarding water resources, circulation and traffic, and fire protection services. The Director shall report sooner upon receipt of information indicating that the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.

13.3 The Board of Supervisors shall receive the Director's report and schedule a hearing to determine, for purposes of Section 35A-13.1, whether the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.

13.4 For the purpose of Section 13.1, the public health and safety will be considered no longer jeopardized and this Ordinance shall terminate if all of the following criteria are met:

Water Resources: Supplemental water resources, including but not limited to State Water, physically deliver 2,300 Acre Feet a Year in additional water above the current levels identified in the Goleta Community Plan; and

Fire Protection: The ratio of firefighters per population served has reached and been maintained at one-per-2000 or better, and response time to all areas within the Urban Boundary of Goleta is five minutes or better; and

Traffic and Circulation: The following improvements identified in the Goleta Traffic Transportation Improvement Plan have been completed:

Roadways:

South Kellogg Ave. Extension and SR 217 Offramp
Phelps Road Extension to Los Carneros
Cathedral Oaks Extension
Segment 1 (west), Segment 2 (middle), Segment 3 (east)

Transit/Pedestrian:

Industrial Center to Fairview/Calle Real Shuttle
Ellwood to UCSB Shuttle
Magnolia-Turnpike Shuttle
Isla Vista-UCSB Shuttle
Transit Improvements (Bus Stops, sidewalk improvements, etc.)
Curb Cuts: Phase I various locations

Bicycle Paths:

San Jose Creek Class I Cathedral Oaks to Hollister
San Jose Creek Class I Hollister to South Kellogg
Los Carneros Class I Overpass: Calle Real to Hollister
Ellwood Station Road US 101 Overcrossing
Local connections north and south of Ellwood Station overpass
Railroad Corridor: three most feasible segments; or Hollister
La Patera Class I: Cathedral Oaks to Calle Real
La Patera Class I Overpass: Calle Real to Railroad
Class II Safety Improvements: various locations

Intersections:

Calle Real/Fairview and NB US 101/Fairview
SB US 101/Fairview
Hollister/Storke
SB US 101/Los Carneros
Hollister/Los Carneros

SECTION 10

Except as amended in this Ordinance, Chapter 35A of the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 11:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of 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 22nd day of August, 1995 by the following vote:

AYES: Supervisors Graffy, Staffel, Urbanske

NOES: Supervisors Schwartz, Wallace

ABSTAIN: None

ABSENT: None


Chair, Board of Supervisors

ATTEST:

ZANDRA CHOLMONDELEY
CLERK OF THE BOARD OF SUPERVISORS

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: Stephen Stark
County Counsel

D

Ordinance No. 4101

AN ORDINANCE AMENDING SECTION 35-177, RECLAMATION PLANS AND SURFACE MINING PERMITS, OF ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE.

(Case No. 90-OA-3)

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

SECTION 1:

Section 35-177., Reclamation Plans and Surface Mining Permits, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-177. Reclamation Plans and Conditional Use Permits (CUP) for Surface Mining

Sec. 35-177.1. Purpose and Intent

The County of Santa Barbara recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Section is to regulate surface mining operations as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (P.R.C. Sec. 2710 et seq.), hereinafter referred to as SMARA; P.R.C. Section 2207; and the California Code of Regulations adopted pursuant thereto (14 Cal. Admin., C. Sec. 3500 et seq.), to ensure that:

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2-95 A & B

- a. The adverse effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and
- b. The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.

Sec. 35-177.2. Definitions

For the purpose of Section 35-177, certain words and phrases shall be defined as follows:

Feasible: Means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Ref. CEQA Guidelines § 15364).

Haul Road: A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle: To curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (SMARA, Sec. 2727.1)

Minerals: Any naturally occurring chemical element or compound, or groups of elements and compounds formed from

inorganic processes and organic substances, including but not limited to coal, peat, bituminous rock, but excluding geothermal resources, natural gas, and petroleum. (State Regulations, Sec. 3501) For the purpose of this Section 35-177, minerals shall also include but not be limited to sand, gravel, diatomaceous earth, shale, limestone, flagstone, decorative stone, and rip-rap.

Operator: Any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden: Soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (SMARA, Sec. 2732)

Person: Any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof. (State Regulations, Sec. 3501)

Surface Mining Operations: All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.

- (c) Prospecting and exploratory activities. (SMARA, Sec. 2735)

Surface mining operations shall also include the creation of borrow pits, streambed skimming, segregation and stockpiling of mined materials (and recovery of same). (State Regulations, Sec. 3501)

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (SMARA, Sec. 2733)

Sec. 35-177.3. Incorporation of SMARA and State Regulations.

The provisions of the California Surface Mining and Reclamation Act of 1975 (P.R.C. Sec. 2710 et seq.), P.R.C. Section 2207, and the California Code of Regulations implementing the Act (14 Cal. Admin., Sec. 3500 et seq.), as either may be amended from time to time, are made a part of this paragraph by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein. These regulations shall hereinafter be referred to as the State Regulations.

Sec. 35-177.4. Applicability

1. Exemptions. No Conditional Use Permit or Reclamation Plan shall be required for any of the following activities:

- (a) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA, Sec. 2714(a))
- (b) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amount of less than 1,000 cubic yards (SMARA, Sec. 2714(b)) in one or more locations or parcels under the control of one operator that do not exceed a total of one acre. A grading permit may be required for extractions or excavations of more than 50 cubic yards per County Ordinance 3937, §14.6.
- (c) Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose. (SMARA, Sec. 2714(c))
- (d) Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA, Sec. 2714(d))

2. Vested Rights. A Conditional Use Permit shall not be required for any person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with SMARA (SMARA, Sec. 2776). However, a Reclamation Plan shall be required for those portions of such mining operations conducted after January 1, 1976, unless a Reclamation Plan was approved by the County prior to January 1, 1976, and the person submitting that plan has accepted

responsibility for carrying out that plan. Nothing in this Sec. 35-177 shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976. (SMARA, Sec. 2776)

3. Earthwork. Reclamation activities shall be consistent with the appropriate provisions of the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code), and with other appropriate engineering and geologic standards.

4. Building Officials' Authority to Act to Prevent Engineering Hazards.

The issuance of a CUP or approval of a reclamation plan shall not prevent the Building Official from thereafter requiring the correction of errors in such permit or reclamation plan for earthwork specification, or from preventing surface mining operations or reclamation efforts being carried out thereunder, where the Building Official has determined that a significant engineering hazard threatening public health and safety, or substantial physical damage to off-site property is likely to occur or has occurred as a result of surface mining operations or reclamation efforts. The Building Official, or in his/her absence a designated appointee, may order that correction of earthwork specifications and/or curtailment of activities is required to protect public health and safety, or substantial physical damage to off-site property and safety. Before issuing any correction or curtailment order, the Building Official shall set a time for hearing and shall give written notice of the time and place of the hearing and the engineering hazard to be abated. Such notice shall be given to the operator ten (10) days before the hearing at which time there will be an opportunity for all concerned parties to present evidence. The notice may be served in person or by certified mail.

In the event the Building Official, or in his/her absence the designated appointee, determines there is an imminent danger to the public health and safety resulting from an alleged engineering hazard, he/she may summarily order the necessary curtailment of activities without prior notice and hearing and such order shall be obeyed upon notice of same, whether written or oral. At the same time that notice of the order is conveyed, the Building Official shall set a date, time and place for a publicly noticed hearing and review of said order as soon as possible which date shall be no later than 48 hours after such order is issued or served. Said hearing shall be conducted in the same manner as a hearing on prior notice. After such hearing, the Building Official may modify, revoke, or retain the emergency curtailment order.

An affected person may appeal the Building Official's Order to the Planning Commission within ten (10) calendar days of the date that notice of the Building Official's order is given. Any such notice from the Building Official shall include procedures for appeal of the determination to the Planning Commission and, thereafter, to the Board of Supervisors.

If such appeal is not filed, the Building Official's order becomes final. If there is an appeal, the order of the Building Official shall remain in full force and effect until action is taken by the Planning Commission or, upon appeal, the Board of Supervisors. In the event of an appeal of the Building Official's order, the decision of the Planning Commission or Board of Supervisors shall be a final Administrative Action. Such decision shall not preclude a surface mining operator from seeking judicial relief.

5. Requirement for Conditional Use Permit and/or Reclamation Plan. Unless exempted by the provisions of Sections 35-177.4.1 or 4.2, a Major Conditional Use Permit as provided under Sec. 35-172 and/or a Reclamation Plan shall be required for all surface mining

operations in all zone districts, including lead agency approved financial assurances. In all zone districts, a surface mining operation for building or construction material which involves less than a total of 1,000 cubic yards in one or more locations or contiguous parcels under the control of one operator that do not exceed a total of one acre is a permitted use requiring a Land Use Permit pursuant to Section 35-314 and a grading permit per Ordinance 3937.

Sec. 35-177.5. Contents of Applications for Conditional Use Permits for Surface Mining Operations and Reclamation Plans.

1. In addition to the Conditional Use Permit (CUP) application required in Sec. 35-172, all applications for CUP's for surface mining operations shall contain the Supplemental Mining Permit Application required by the Resource Management Department. As many copies of the CUP and Supplemental Mining Permit Applications as may be required shall be submitted to the Resource Management Department.

2. As many copies of a Reclamation Plan Application as may be required shall be submitted in conjunction with all applications for CUP's for Surface Mining Operations. For surface mining operations that are exempt from a CUP pursuant to Sec. 35-177.4, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan.

Sec. 35-177.6. Processing

1. Within thirty (30) days of receipt of an application for a Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the Resource Management Department (RMD) shall notify the Director of the Department of Conservation of the filing of the application(s). (SMARA, Sec.

2774(e)) Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, RMD shall also notify the State Department of Transportation that the application has been received (SMARA, Sec. 2770.5).

In addition, RMD shall promptly forward a copy of the application(s) to each of the County departments represented on the Subdivision Committee for review and recommendations to the Planning Commission. Each of said County departments shall submit a condition letter to the Resource Management Department and to the Planning Commission as early as possible. Failure by any department to submit such condition letter prior to or during the Planning Commission's hearing on the project shall be deemed a waiver of conditions for approval by that department.

2. After the notifications called for in Subsection 35-177.6.1 have been made, the Resource Management Department shall process the application(s) through environmental review.

3. Subsequent to the appropriate environmental review, the Resource Management Department shall prepare a staff report for consideration by the Planning Commission.

4. The Planning Commission shall hold at least one noticed public hearing on the Conditional Use Permit and/or Reclamation Plan. Notice of the hearing shall be given in accordance with Sec. 35-181. (Noticing).

5. Prior to final approval of a Reclamation Plan, financial assurances (as provided in Sec. 35-177.9), or any amendments thereto, the Planning Commission shall certify to the Director of the Department of Conservation that the Reclamation Plan, financial

assurances, or any amendments thereto, comply with the applicable requirements of the State Regulations and submit the plan, assurances, or amendments to the Director of the Department of Conservation for review (SMARA, Sec. 2774(c)). The Planning Commission shall conceptually approve the Reclamation Plan, financial assurances, or any amendments thereto, before submitting it to the Director of the Department of Conservation. If a Conditional Use Permit is being processed concurrently with the Reclamation Plan, the Planning Commission may also conceptually approve the CUP at this time. However, the Planning Commission may defer action on the CUP until taking final action on the Reclamation Plan, as provided in Sec. 35-177.6.6. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the CUP with the condition that the Resource Management Department shall not issue the Land Use Permit for the mining operation until financial assurances have been reviewed by the Director of the Department of Conservation and the Planning Commission has taken final action on the Reclamation Plan.

The Director of the Department of Conservation shall have 45 days to prepare written comments on the Reclamation Plan, financial assurances, or amendments thereto, if the Director of the Department of Conservation so chooses (SMARA, Sec. 2774(d)). The Planning Commission shall then hold at least one additional public hearing to evaluate written comments received from the Director of the Department of Conservation during the 45-day comment period. RMD staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the Director of the Department of Conservation's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted (SMARA, Sec. 2774(d)). Copies of any written comments received and responses prepared by the Planning Commission shall be promptly

forwarded to the operator.

6. The Planning Commission shall then take final action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan. The Planning Commission's action shall be final, subject to appeal to the Board of Supervisors as provided in Sec. 35.182. (Appeals).

7. The Resource Management Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan to the Director of the Department of Conservation. RMD shall also forward a copy of the approved financial assurances to the Director of the Department of Conservation for review.

Sec. 35-177.7. Performance Standards for Surface Mining Operations and Reclamation Plans.

1. Performance Standards for Surface Mining Operations

All surface mining operations for which a new or revised Conditional Use Permit (CUP) is required shall comply with the requirements contained in SMARA and implementing State Regulations. In addition, the following County performance standards shall apply as may be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit.

- a. Appearance - Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.
- b. Noise and Vibration - Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air

conditions, generated by any use on the property shall not exceed sixty-five (65) dB(A)_{LDN} as measured at the location of the nearest noise sensitive use, (as defined in the County Noise Element) beyond the property boundary of the mining operation.

c. **Traffic Safety -**

(1) Parking shall be provided as required in DIVISION 6, PARKING REGULATIONS. Adequate provision shall be made for queuing and loading of trucks.

(2) Haul roads, as defined in Sec. 35-177.2, shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the permit application. Such haul routes as well as other transport routes from the processing facilities to market destinations shall avoid to the maximum extent feasible, routing through residential neighborhoods.

(3) Number and location of access points to the mining operation shall be specified.

d. **Dust Control -** During hours of operations, all access roads shall be wetted, protected or contained in such a manner as to minimize the generation of dust.

e. **Public Health and Safety -**

(1) Appropriate measures, including fencing, shall be provided where necessary to provide for public safety. The Planning Commission may require fencing of all or a portion of an excavation. In determining the amount and type of protective measures that are required, the

Planning Commission shall take into consideration the extent to which the property upon which the mining operation is located is adequately protected by existing security measures.

- (2) Where necessary for public safety, the Planning Commission may require that excavations be posted to give reasonable public notice.
- (3) Any body of water created during operations within the excavation shall be maintained in such manner as to provide for mosquito control and to prevent the creation of health hazards or public nuisance.
- (4) Any generation of offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation and all other activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

f. Screening - To the extent feasible, screening or other aesthetic treatments, such as berms, fences, plantings of suitable shrubs and/or trees shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures and equipment. Mining operations that are visible from scenic highways designated in the Comprehensive Plan, as well as from routes classified as having highest scenic values in the Open Space Element, shall be screened or other aesthetic treatments shall be used to minimize impacts on scenic resources.

g. Protection of Streams and Groundwater Basins - All applications for surface mining operations that could affect

streams and/or groundwater basins shall be reviewed as necessary by other agencies as required by law.

- h. Annual Reports - Surface mining operators shall forward an annual status report to the Director of the Department of Conservation and the Resource Management Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board (P.R.C. Sec. 2207 (a)-(g)).

2. Performance Standards for Reclamation Plans

All new or substantially amended Reclamation Plans shall conform to the minimum statewide performance standards required pursuant to SMARA Sec. 2773(b), and set forth in CCR 3700 et. sec., regarding wildlife habitat; backfilling, regrading, slope stability, and recontouring; revegetation; drainage, diversion structures, waterways, and erosion control; prime agricultural land reclamation, other agricultural land; building, structure, and equipment removal; stream protection, including surface and groundwater; topsoil salvage, maintenance, and redistribution; and tailing and mine waste management; and closure of surface openings. In addition, the following County standards shall apply as may be appropriate to new or substantially amended Reclamation Plans:

- a. Revegetation - All revegetation and/or reestablishment shall be in conformance with an approved Landscaping Plan, pursuant to RMD landscape bonding procedures.
- b. Visual Resources - The Reclamation Plan shall, to the extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include, but not be limited to, resoiling, recontouring of the land to be compatible with the surrounding natural topography, and revegetation and the end use or uses

specified by the landowner. Where the mining operation requires the leveling, cutting, removal, or other alteration of ridgelines on slopes of twenty (20) percent or more, the Reclamation Plan shall ensure that such mined areas are found compatible with the surrounding natural topography and other resources of the site.

- c. Grading Regulations - All Reclamation Plans shall comply with applicable provisions of the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code).
- d. Phasing of Reclamation - (See also, Sec. 35-177.11, Interim Management Plans for Idle Mining Operations) - Reclamation Plans shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. [SMARA, Sec. 2772(f)]. Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as "idle" within the meaning of PRC § 2727.1. Such interim management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity prior to resumption of mining and ultimate reclamation. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill as approved by the Planning Commission. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring

completion of specific reclamation activities, and estimated costs as provided in Sec. 35-177.9 (Financial Assurances). The Planning Commission shall approve the reclamation schedule.

Sec. 35-177.8. Findings for Approval.

1. Surface Mining Operations.

In addition to the findings for approval of Conditional Use Permits contained in Sec. 35-172.8, approval of Conditional Use Permits for surface mining operations shall include a finding that the project complies with Section 35-177.7.1 (Performance Standards).

2. Reclamation Plans.

For Reclamation Plans, the following findings shall be required:

- a. That the Reclamation Plan complies with applicable requirements of the state regulations (14 Cal. Code Regs. §§3500 et seq.), with appropriate provisions of the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code), and with other appropriate engineering and geologic standards;
- b. That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with the provisions of this Article and the County's Comprehensive Plan.
- c. That, in approving the Reclamation Plan, the required findings under CEQA can be made.
- d. That the land and/or resources such as water bodies to be reclaimed will be reclaimed to a condition that is

compatible with the surrounding natural environment, topography, and other resources.

- e. That the Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with the Comprehensive Plan.
- f. That a written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director of the Department of Conservation. Where the Planning Commission's position is at variance with the recommendations and objections raised by the Director of the Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA, Sec. 2774(d))

Sec. 35-177.9. Financial Assurances for Reclamation Plans.

1. Purpose. The intent of this section is to ensure that reclamation will proceed in accordance with the approved Reclamation Plan.

2. Requirement, Forms, and Amount of Financial Assurances. As a condition of approval of any Reclamation Plan, to assure the operator's performance, the Planning Commission may require one or more forms of security which shall be released upon satisfactory performance. The applicant may post security in the form of a surety bond, irrevocable letter of credit, a trust fund, or other mechanisms as adopted by the State Board through the regulatory process. Financial assurances shall be made payable to the County of Santa Barbara and the Department of Conservation (SMARA, Sec. 2773.1(a)(4)).