

## CALIFORNIA COASTAL COMMISSION

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**DATE:** January 26, 2006  
**TO:** Commissioners and Interested Persons  
**FROM:** Jack Ainsworth; District Director  
Gary Timm; District Manager  
Steve Hudson; Supervisor; Planning and Regulation  
**SUBJECT:** Santa Barbara County Local Coastal Program Amendment No. MAJ-3-04 (Zoning Changes) for Public Hearing and Commission Action at the February 8, 2006, Commission Meeting in Chula Vista.

### DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to revise existing ordinance regulations regarding accessory structures, fences/walls/gates, setback areas, amateur radio antennas, animals, collection of additional permit fees associated with zoning violations, home occupations, outdoor retail sales in agriculture areas, temporary uses and events, relationship between permitted and accessory uses, structural alterations to certain nonconforming dwellings, and other minor clarifications and text corrections. The submittal was deemed complete and filed on January 6, 2005. At its February 2005 Commission meeting, the Commission extended the time limit to act on Local Coastal Program Amendment 3-04 for a period not to exceed one year. **The Commission must therefore act upon the amendment at its February 2006 Commission meeting.**

**Substantive File Documents:** Santa Barbara County Coastal Plan; Santa Barbara County Coastal Zoning Ordinance, Article II, Chapter 35 of the County Code; Resolution No. 04-351 of the Board of Supervisors, County of Santa Barbara, State of California, *In the Matter of Adopting Amendments to the Santa Barbara County Coastal Zoning Ordinance*, passed, approved and adopted December 7, 2004; Ordinance 4557, *Case Number 04-ORD-00000-00021*, adopted by Board of Supervisors December 7, 2004.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission reject the proposed amendment and approve it only if modified so that the ordinance will be consistent with and adequate to carry out the certified LUP. The motions are found on **page 6** of this report. The suggested modifications are necessary to ensure that the proposed changes to the County's Coastal Zoning Ordinance/Implementation Plan will be consistent with all of the provisions and policies of the certified LCP.

The submittal was deemed complete and filed on January 6, 2005. At its February 2005 Commission meeting, the Commission extended the time limit to act on Local Coastal

Program Amendment 3-04 for a period not to exceed one year. The Commission must therefore act upon the amendment at its February 2006 Commission meeting.

The County of Santa Barbara has stated that the purpose of this amendment is to: 1) “fine tune” administrative procedures by making relatively minor clarifications to the existing zoning ordinance regulations, 2) avoid any alteration of the purpose and intent of any Comprehensive Plan, Coastal Plan and Community Plan development standards, and 3) add some limited new permitted uses and exemption provisions that are similar in nature to those already permitted in the applicable zone district. Due to the length of all proposed changes to the text of the CZO/IP addressed by this amendment, a summary of all proposed changes with a brief description of the effect of the change to each individual section of the CZO/IP is included in this report (pages 21-36) while the proposed changes to the text of the CZO/IP are included in their entirety in the attached **Exhibit 2** and shown in underline/strike-out format.

The **seven (7) suggested modifications** are necessary in order to ensure that all components of the proposed amendment are adequate to implement the provisions of LUP Policies. The suggested modifications can be generally categorized as changes to the following components of the proposed amendment: (1) definitions of terms used in the LCP, (2) permit and exemption provisions for various types of new development, and (3) enforcement provisions.

**Modification One (1)** is suggested in order to revise the text of the proposed definitions for the terms “LOT” and “ENVIRONMENTAL REVIEW” and in order to add one new definition for the term “TEMPORARY USES.” The modification to the proposed definition of “LOT” is necessary to clarify that any division of land, including the creation of a new lot, requires the issuance of a coastal development permit. The modification to the definition of “ENVIRONMENTAL REVIEW” is necessary to clarify that the standard of review when analyzing the potential environmental effects of new development is the certified Local Coastal Program. The addition of the new definition of “TEMPORARY USES” is necessary to clarify the meaning of the term as used in the CZO/IP.

**Modifications Two (2), Three (3), Four (4), and Six (6)** deal with proposed revisions to permit and exemption provisions for the installation/construction of certain types of development including: fences/walls, small agricultural sales facilities less than 600 sq. ft. in size (including, but not limited to, roadside fruit and produce stands), and the storage of trailers on residentially developed lots). Each of these modifications is necessary to ensure that the above specified types of development shall be exempt from the requirement to obtain a coastal development permit **only** if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

In addition, the new proposed regulations regarding agricultural sales facilities includes a provision that requires the use of concrete and other non-permeable surfaces for any new parking facilities associated with such development. The use of non-permeable surfaces, such as concrete, in new development results in a decrease in the infiltrative function and capacity of existing permeable land on site and, ultimately, results in adverse impacts to

water quality and coastal resources. Therefore, **Modification Three (3)** is also suggested in order to ensure that the proposed development provisions of the amendment are revised in order minimize the use of impermeable materials for parking facilities to the maximum extent feasible consistent with the water quality and marine resource policies of the LUP.

Further, in order to ensure that cumulative adverse impacts to coastal resources from the intensification of use of a residentially developed lot do not occur, **Modification Four (4)** is also necessary to ensure that the storage of trailers (such as travel trailers) on a residentially developed parcel shall only be exempt from the requirement to obtain a coastal permit if the trailer is **not** used for human habitation or occupancy on the site.

**Modification Five (5)** is necessary to revise the new provision for the exclusion of certain types of temporary uses from coastal permit requirements only if the development will **not** result in any direct or indirect impacts from the temporary use on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, public access, public views, or other coastal resources pursuant to the policies and sections of the certified Local Coastal Program. With this suggested modification, the temporary use exclusions of the Santa Barbara County LCP would be consistent with: (1) Section 30610(i) of the California Coastal Act regarding temporary event exclusions; (2) the *Guidelines For the Exclusion of Temporary Events from Coastal Commission Permit Requirements*, as adopted by the California Coastal Commission on May 12, 1993; and (3) with similar provisions for the exclusion of temporary uses from permit requirements that have been incorporated in other certified LCPs, including the provisions of the Malibu LCP.

**Modification Seven (7)** is suggested in order to clarify that the proposed changes to the Zoning Ordinance regarding the impositions of liens on property and the assessment of additional permit fees for projects involving the after-the-fact authorization of unpermitted development shall not limit the ability of either the Commission or the County to pursue further enforcement action, including the imposition of penalties to resolve a violation of the Coastal Act or LCP.

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

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## EXHIBITS

Exhibit 1. Resolution No. 04-351 of the Board of Supervisors.

Exhibit 2. Summary List of All Proposed Textual Changes as Submitted by County.

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The Coastal Act provides:

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

*The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)*

The standard of review for the proposed amendment to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program (LCP), pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings (10/27/04, 12/1/04 12/7/04) and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties. In addition to the public hearings before the County Planning Commission, two public workshops were conducted in regards to the proposed amendments (10/7/04 and 10/11/04).

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of the California Code of Regulations, the County may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (Section 13544.5; Section 13537 by reference). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission.

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

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

### A. DENIAL AS SUBMITTED

**MOTION I:**     *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-04 as submitted.*

#### **STAFF RECOMMENDATION OF REJECTION:**

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

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

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-04 and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

### B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

**MOTION II:**     *I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-04 if it is modified as suggested in this staff report.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of

the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-04 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

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

The staff recommends the Commission certify the following, with the modifications as shown below. The proposed amended language to the certified LCP Implementation Plan is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

**1. DEFINITIONS (SECTION 35-58)**

***Sec. 35-58. Definitions.***

**A. *Definition of "Lot"***

LOT: An existing area of land under one ownership that was lawfully created as required by the California Coastal Act, certified Local Coastal Program, Subdivision Map Act, and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which: (1) a Certificate of Compliance or Conditional Certificate of Compliance has been recorded, AND (2) a Coastal Development Permit has been issued for the creation of the lot that is the subject of the certificate of compliance or conditional

certificate of compliance if the certificate of compliance or conditional certificate of compliance is recorded after the effective date of the Coastal Act or its predecessor initiative (unless the lot was created prior to the effective date of the Coastal Act or its predecessor initiative in compliance with the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances), AND ~~and~~ **(3)** the boundaries of which have not subsequently been altered by merger or further subdivision.

**B. *Definition of “Environmental Review”***

ENVIRONMENTAL REVIEW: The analysis of the potential environmental effects that may result from development, performed in compliance with the provisions of the applicable zoning district and the policies and development standards of the certified Local Coastal Program, the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.), ~~and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.~~

**C. *Definition of “Temporary Use”***

TEMPORARY USE. (a) An activity or use that constitutes development as defined in Section 35-58 of this Ordinance but which is an activity or function which is or will be of limited duration (does not exceed a two-week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis) and involves the placement of non-permanent structures and/or exclusive use of public spaces, including but not limited to, sandy beach, parkland, filled tidelands, water, streets or parking areas, which are otherwise open and available for general public use; or (b) an activity as defined in section (a) that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.

**2. PERMIT REQUIREMENTS AND EXEMPTION PROVISIONS FOR FENCES, WALLS, AND GATES (SECTION 35-123)**

***Sec. 35-123. Fences, Walls and Gate Posts.***

1. In all zoning districts other than agricultural zones, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-124 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed

the height limit of the applicable zoning district or exceed the height limitations of Sec. 35- 100 (F - Airport Approach Overlay).

| Location of Fence, Wall, Gate or Gatepost                                     | Permit Requirement   |   |   |
|---|--|---|---|
|   | Exempt   | Coastal Development Permit  | Minor Conditional Use Permit  |
| Front setback area.   | Fences, walls and gate six feet or less in height; gateposts eight feet or less in height.*  | Not applicable.<br><b><u>May be required pursuant to Sec. 35-169.2.1.b</u></b>  | Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height. |
| Side and rear setback areas.  | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height   | Not applicable.<br><b><u>May be required pursuant to Sec. 35-169.2.1.b</u></b>  | Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height. |
| Interior lot setback areas 20 feet or less from any street right-of-way.      | Fences, walls and gates six feet or less in height; gateposts eight feet or less.*           | Not applicable.<br><b><u>May be required pursuant to Sec. 35-169.2.1.b</u></b>  | Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height. |
| Interior lot setback areas greater than 20 feet from any street right-of-way. | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.* | Not applicable.<br><b><u>May be required pursuant to Sec. 35-169.2.1.b</u></b>  | Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height. |
| Outside of setback areas  | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.* | <b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b><br>Fences, walls and gates <b>are</b> greater than eight feet in height; gateposts greater than ten feet in height. | Not applicable.   |

\* **Fences, walls, gates and gateposts shall be exempt (pursuant to Sec. 35-169.2.1.b) only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or on/within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.**

2. In agricultural zoning districts, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-124 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district, or exceed the height limitations of Sec. 35- 100 (F - Airport Approach Overlay).

| Location of Fence, Wall or Gatepost   | Permit Requirement   |   |  |
|---|--|---|--|
|   | Exempt   | Coastal Development Permit  | Minor Use Permit      Conditional Use Permit |
| Front setback area.   | Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.  | <b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b> fences, walls and gates <b><u>are</u></b> greater than six feet in height; gateposts greater than eight feet in height. | Not applicable.                              |
| Side and rear setback areas.  | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.* | <b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b> fences, walls and gates <b><u>are</u></b> greater than eight feet in height; gateposts greater than ten feet in height. | Not applicable.                              |
| Interior lot setback areas 20 feet or less from any street right-of-way.      | Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.* | <b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b> fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.                   | Not applicable.                              |
| Interior lot setback areas greater than 20 feet from any street right-of-way. | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.* | <b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b> fences, walls and gates <b><u>are</u></b> greater than eight feet in height; gateposts greater than ten feet            | Not applicable.                              |

|                          |  |   |                 |
|--------------------------|--|---|-----------------|
| Outside of setback areas | Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.* | in height.<br><b><u>May be required pursuant to Sec. 35-169.2.1.b or if</u></b><br>Fences, walls and gates <b>are</b> greater than eight feet in height; gateposts greater than ten feet in height. | Not applicable. |
|--------------------------|--|---|-----------------|

\* **Fences, walls, gates and gateposts shall be exempt (pursuant to Sec. 35-169.2.1.b) only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or on/within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.**

3. A maximum of 10 percent of the total linear length of a wall or fence including gates may be allowed to exceed the maximum height specified for exemption from a coastal development permit where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
4. The height of walls, fences, gates or gateposts shall be determined by measuring from the natural grade at the lower side of the fence, wall, gate or gate posts.

**3. PERMIT REQUIREMENTS AND EXEMPTION PROVISIONS FOR AGRICULTURAL SALES (SECTIONS 35-131.3 AND 35-131.4)**

***Sec. 35-131 AGRICULTURAL SALES***

....

**Sec. 35-131.3. Permit Requirements.**

Permit requirements for agricultural sales regulated under this section are specified below. Additional permits may be required by other provisions of this Article, e.g., for structures accessory to the agricultural sales.

1. Within the AG-I, AG-II, RR, M-CD and M-CR, zoning districts, the following activities are exempt from the requirement to obtain a coastal development permit **only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or on/within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in**

**significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways; and (4) provided the activity is conducted in compliance with the development standards specified by Sec. 35-131.4., as well as the following standards below.**

- a. Sales of agricultural products, operated by a single proprietor, and either (1) grown on-site or (2) on other property located within Santa Barbara County that is either owned or leased by the same owner or lessee of the lot on which the sales occur or (3) on other property within a 25 mile radius of the lot on which the sales occur provided the lot on which the sales occur is not located within the Montecito Planning Area. This includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking.
- b. Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is limited to 10,000 square feet.
- c. Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) provided the area to which the public has access is limited to 10,000 square feet.

....

**Sec. 35-131.4. Development Standards.**

Agricultural sales shall comply with the following development standards.

....

5. All parking areas, except for those associated with short-term, seasonal sales, shall be surfaced with a **permeable or semi-permeable surface material that shall include at a minimum; of asphalt, concrete, ungrouted** brick or other masonry paving units, ~~chip seal~~ or crushed rock surface **with the exception that non-permeable surfacing materials (such as asphalt, concrete, or chip seal) may be used only if necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable. The use of any non-permeable surfacing materials shall be the minimum necessary to comply with requirements for the provision of disabled access.** Parking areas associated with short-term, seasonal sales may be unimproved, however, any dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface. Parking shall not be allowed within any adjacent road rights-of-way or trail easements. Parking areas shall comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.

4. **PERMIT REQUIREMENTS AND EXEMPTION PROVISIONS FOR TRAILER USE (SECTIONS 35-132.10)**

***Sec. 35-132. Trailer Use.***

...

Sec. 35-132.10. *Storage of Trailers as an Accessory Use to a Residential Use.* The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed eight and one-half feet in width, 13 and one-half feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length **and if the trailer is not used for human habitation or occupancy on the lot.** All such trailers shall be screened from view from abutting streets. Said trailers may be stored on property without the requirement for a coastal development permit **if the trailer will: (1) not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on/within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.**

5. **PERMIT REQUIREMENTS AND EXEMPTION PROVISIONS FOR TEMPORARY USES (SECTION 35-137)**

***Sec. 35-137. Temporary Uses.***

**Sec. 35-137.1 Purpose and Intent.**

The purpose of this section is to provide **standards for the determination of which types of temporary uses are exempt from the requirement to obtain a coastal development permit or conditional use permit. In addition, this section provides additional** permit regulations and processing requirements for temporary uses and developments. The intent is to give special consideration **and apply conditions** to such temporary uses and developments **in order to while preventing** any adverse effects **to coastal resources and on** surrounding properties **through the requirement of conditions when a permit is required.**

**Sec. 35-137.2 Applicability.**

The provisions of this section shall apply to all temporary uses of property described within this section. Such uses shall also be subject to all the provisions set forth in Sec. 35-169 (Coastal Development Permits) and Sec. 35-172 (Conditional Use Permits), as applicable. **However, this section shall not apply to any use of property that is regulated pursuant to Chapter 6, Amusements, of the Santa Barbara County Code.**

**Sec. 35-137.3 Processing.**

No permits for temporary uses subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements.

1. Exempt temporary uses: The following temporary uses of property, **as defined in this ordinance and which meet all of the criteria in (A)-(C) of this section,** which may include, **but are not limited to,** the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any **coastal development or conditional use** permit requirements:
  - A. **The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;**
  - B. **A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use.**
  - C. **The proposed temporary use has been reviewed in advance by the Director of the Planning Department, and the Director determined that it meets all of the following criteria:**
    1. **The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;**
    2. **There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources pursuant to the policies and sections of the certified Local Coastal Program;**
    3. **The temporary use has not previously required a coastal development permit to address and monitor associated impacts to coastal resources;**

**D. The Director of the Planning and Development Department, or the Decision Maker, may determine that a temporary use shall be subject to coastal development permit and/or conditional use permit review, even if the development meets all of the criteria in (A)-(C) of this section, if the Director, or Decision Maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from coastal development or conditional use permit requirements only if the following provisions, in addition to all of the criteria in (A)-(C) of this section above, are met:**

- 1a.** Car washes. Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
- 2b.** Charitable functions on property located outside the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
  - a1)** On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
  - b2)** On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 3c.** Charitable functions on property located within the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 4d.** Public assembly facilities. Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.



- commercial or industrial zoning districts, provided they do not continue for more than five consecutive days.
- e. Rodeos and other equestrian events. Rodeos and other equestrian events, provided:
    - 1) The minimum lot size shall be ten acres.
    - 2) The rodeo or equestrian event is located on property having an agricultural zoning district designation.
    - 3) The subject property is not located within 1,000 feet of any property having a residential zoning district designation.
    - 4) The number of spectators and participants present at the rodeo or equestrian event at any one time does not exceed 300.
  - f. Seasonal sales lots. Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) not subject to the regulations of Sec. 35-131 (Agricultural Sales) including temporary residence/security trailers, on non-residentially zoned land, or residentially zoned land utilized by an institution (e.g., church, school), provided they do not continue for more than 60 consecutive days.
  - g. Other similar temporary activity. Any other similar activity conducted for a temporary period either outdoors, within temporary structures or within single-family residential zoning districts which, as determined by the Director, has the potential to result in an adverse effect on surrounding properties.
3. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require a minor conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-172 and the issuance of a coastal development permit pursuant to Sec. 35-169, **regardless of whether the development meets all of the criteria in (A)-(C) of Sec. 35-137.3.1:**
- a. Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings.
  - b. Charitable functions on property located outside the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
  - c. Rodeos and equestrian events that do conform to the provisions of Sec. 35-137.3.2.e.
  - d. Spectator entertainment facilities including but not limited to concerts, outdoor movies, and live performance stages or theaters.
4. No conditional use permit shall be approved, nor shall any coastal development permit be issued, until the Supervisor of the Supervisorial District in which the

use is proposed, or his or her designated representative, has been notified of the application.

5. A coastal development permit requested pursuant to Sec. 35-137.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the land use permit.

**Sec. 35-137.4 Development Standards.**

Temporary uses permitted under Sec. 35-137.3 shall comply with the following development standards:

1. Temporary uses shall not continue for more than five consecutive days unless otherwise specified.
2. The applicant for the temporary use shall comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance.
3. The decision-maker with jurisdiction over the proposed temporary use shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, or welfare. Noncompliance with any conditions of approval of a temporary use permit shall constitute a violation of the zoning ordinance. Such conditions may include, but shall not be limited to:
  - a. Special setbacks and buffers.
  - b. Regulation of outdoor lighting.
  - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan. Said plan may include:
    - 1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
    - 2) The use of dust control measures to keep dust generation to a minimum and to maintain the amount of dust leaving the site.
    - 3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas. Signs shall be placed prior to the commencement of each event.
  - d. Regulation of noise, vibration, odors, etc.
  - e. Regulation of the number, height and size of temporary structures, equipment and signs.
  - f. Limitation on the hours and days of operation of the proposed temporary use.
  - g. If special sales are involved, limitations on the location where sales may occur, the number of vendors and the scope of goods sold.
  - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
  - i. If necessary, review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district.
  - j. Obtaining a County business license if necessary.

4. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall be approved by the Building and Safety Division of Planning and Development and the County Fire Department or fire protection district.
5. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

**Sec. 35-137.5 Additional Findings.**

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-169 and 35-172, in order to approve an application for a temporary use, the decision-maker shall also make the following findings:

1. That the site is adequate in size and shape to accommodate the proposed temporary use.
2. That the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

**Sec. 35-137.6 Noticing.**

1. Notice of a coastal development permit approved pursuant to Sec. 35-137.3 shall be provided in accordance with Sec. 35-181 (Noticing). In addition, a copy of the approved coastal development permit shall be mailed, at least 10 calendar days prior to the date on which the coastal development permit is to be issued, to owners of property located within 300 feet of the exterior boundaries of the lot that temporary use is located on and to any person who has filed a written request with the Planning and Development Department.
2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-181 (Noticing).

**Sec. 35-137.7 Appeals.**

1. **A coastal development permit approved pursuant to Sec. 35-137.3 may be appealed consistent with the provisions of Sec. 35-182.** (~~Appeals to the Planning Commission~~), the approval, approval with conditions, or denial of a Coastal Development Permit for a temporary use listed in Sec. 35-137.3.2 may be appealed to the Zoning Administrator by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and the accompanying fee, must be filed with the Planning and Development Department within 10 calendar days following of the date of the decision of the Planning and Development Department. The Zoning Administrator shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later that the time the temporary use is scheduled to commence. The decision of the Zoning Administrator shall be final. ~~Notwithstanding the provisions of Sec. 35-181 (Noticing), mailed and published notice is not required to be given of said hearing, however, the~~

~~date, time and location of the review shall be provided to the applicant, appellant, and any interested person who has filed a written request with the Planning and Development Department for notice of approved permits on the subject lot. If the lot for which the Coastal Development Permit for a temporary use is located within the Montecito Planning Area, the appeal shall be to the Chair of the Montecito Planning Commission, or designee, instead of the Zoning Administrator.~~

- ~~2. The approval, approval with conditions, or denial of a conditional use permit for a temporary use listed in Sec. 35-137.3.3 may be appealed to the Board of Supervisors in accordance with the provisions of Sec. 35-182.3 (Appeals to the Board of Supervisors).~~

**Sec. 35-137.8 Contents of an Application.**

Application for a temporary use shall be made on forms provided by the County and shall include, **in addition to all materials otherwise required pursuant to Section 35-169.3,** such plans and other information as may reasonably be required by the Director of the Planning & Development Department for a complete understanding of the proposed temporary use **and its consistency with the policies and development standards the certified Local Coastal Program,** accompanied by an application fee as established by resolution of the Board of Supervisors.

**6. EXEMPTIONS FOR FENCES, WALLS, AND GATES (SECTION 35-169.2.1.B)**

***Sec. 35-169.2.1.b. of Section 35-169 Coastal Development Permits.***

*Sec.35-169.2.1. Applicability*

....

*Activities which are exempt from the issuance of Coastal Development Permit shall comply with the applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property. The following activities shall be exempt from the issuance of a Coastal Development Permit:*

....

- b. ~~Except when a fence or wall obstructs public access to the beach,~~**The installation of fences, walls, gates and gateposts pursuant to Sec. 35-123 (Fences, Walls, Gates and Gateposts) only if the development will: (1) not be located between the first public road and the sea or within or adjacent to a wetland, beach, coastal bluff, or an environmentally sensitive habitat area; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant**

adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

7. RECOVERY OF COSTS FOR PROCESSING APPLICATIONS FOR DEVELOPMENT AFTER-THE-FACT (SECTION 35-185.6.4.)

**Sec. 35-185.6.4. Recovery of Costs.  
Notice.**

Upon investigation and a determination that a violation of any of the provisions of this Article is found to exist, the Director, or any person within the department authorized by the Director, shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:

NOTICE

The Department of Planning and Development has determined that conditions exist at the property at \_\_\_\_\_ which violate Section \_\_\_\_\_ of the County Code, to wit:

(description of violation)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given that at the conclusion of this case you will receive a summary of costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$\_\_\_\_\_ per hour of staff time.

You will have the right to object to these charges by filing a Request for Hearing with the Department of Planning and Development within 10 days of service of the summary of charges, pursuant to Section 185.6.6.

Additionally, where a permit(s) is obtained to legalize **all, or part of**, this violation, you will be subject to an penalty **additional permit processing fee for after-the-fact authorization of development**, equal to, **and in addition to**, all **otherwise** applicable permit fees, but ~~not to~~ **in no case shall the additional permit processing fee for after-the-fact authorization of development** exceed \$2,000.00. **The additional permit processing fee shall not be construed, in any manner, to be in-lieu of any penalties that may be otherwise assessed for the unpermitted development pursuant to any other Section of the certified Local Coastal Program or Coastal Act.**

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

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

### **A. AMENDMENT DESCRIPTION AND BACKGROUND**

#### **1. General Description of Amendment**

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to revise existing ordinance regulations regarding accessory structures, fences/walls/gates, setback areas, amateur radio antennas, animals, collection of additional permit fees associated with zoning violations, home occupations, outdoor retail sales in agriculture areas, temporary uses and events, relationship between permitted and accessory uses, structural alterations to certain nonconforming dwellings, and other minor clarifications and text corrections.

#### **2. Background**

In 1991, the Board of Supervisors approved a reformation plan for Planning & Development which included a cyclical update program for zoning and other ordinances which fall under Planning & Development's jurisdiction as lead agency. The purpose of the program was to, on a regular basis, update, streamline, clarify, and maintain consistency in the permit process. It is also intended to better ensure that regulations keep pace with current trends and policies, as well as, State Law.

The County has stated that the intent of the proposed amendment is to clarify existing standards and regulations of the IP/CZO. Specifically, the purpose of this amendment is to: 1) "fine tune" administrative procedures by making relatively minor clarifications to the existing zoning ordinance regulations, 2) avoid any alteration of the purpose and intent of any Comprehensive Plan, Coastal Plan and Community Plan development standards, and 3) add some limited new permitted uses and exemption provisions that are similar in nature to those already permitted in the applicable zone district.

#### **3. Summary of Proposed Changes**

Due to the length of all proposed changes to the text of the CZO/IP addressed by this amendment, a summary of all proposed changes with a brief description of the effect of the change to each individual section of the CZO/IP is included below while the

proposed changes to the text of the CZO/IP are included in their entirety in the attached Exhibit 2 and shown in underline/strike-out format.

1. Amend **DIVISION 1, Section 35-52, Zoning District Designations and Applicability**, in order to delete references to the *General Commercial (C-3), Shopping Center Commercial (SC), Light Industry (M-1), General Industry (M-2), and Service Industrial – Goleta (M-S-GOL)* zone districts because there is no longer any land zoned to these districts due to the incorporation of the City of Goleta; and amend **Section 35-53, Overlay District Designations and Applicability**, in order to delete the *Growth Management Ordinance (GMO)* overlay district involving the boundary between commercial and residential development since the majority of the property zoned to this overlay is within the jurisdictional boundaries of the City of Goleta and no longer within the County’s jurisdiction.
  
2. Amend **DIVISION 2, Section 35-58, “DEFINITIONS”** to **modify existing definitions** of *Agriculture, Artist Studio, Dwelling, Dwelling, One-Family, Dwelling, Two-Family, Dwelling, Multiple, Floor Area, Gross, Floor Area, Net, Guest House–Cottage, Home Occupation, Kennel, Commercial, Kitchen, Lot, Lot, Interior, Nonconforming Lot, Nonconforming Structure, Nonconforming Use, Setback, Yard, Yard, Front, Yard, Rear, Yard, Side, and Zoning Administrator*; and in order to **add new definitions** of *Environmental Review, Habitable Room, Household Pet, Interior Access, Lot Width, Gross, Lot Width, Net, Permitted Use, Secondary Use, Setback, Front, Setback, Rear, and Setback, Side* as follows:
  - 2.1 SECTION 3: The definition of AGRICULTURE is revised in order to provide internal consistency with the new Agricultural Sales section of the General Regulations (see SECTION 46).
  - 2.2 SECTION 3: The definition of ARTIST STUDIO is revised in order to specify that the person using the artist studio must live in the dwelling unit located on the same lot as the artist studio. The deleted text is moved to the existing Artist Studio section of the General Regulations (see SECTION 40).
  - 2.3 SECTION 3: The definition of DWELLING is revised in order to clarify what constitutes a dwelling and also to include the requirement (previously located in the definition of Dwelling, One-Family) regarding interior access between habitable rooms.
  - 2.4 SECTION 3: The definitions of DWELLING, ONE-FAMILY, DWELLING, TWO-FAMILY and DWELLING, MULTIPLE are deleted and replaced with a definition that relies on the definition of DWELLING.
  - 2.5 SECTION 3: The definitions of FLOOR AREA-GROSS and FLOOR AREA-NET are revised to (1) clarify how the floor area of a structure is calculated and (2) more comprehensively define what portions of a structure are included either within the gross or net floor area calculation.

- 2.6 SECTION 3: The definition of GUEST HOUSE is revised to clarify the definition.
- 2.7 SECTION 3: The definition of HOME OCCUPATION is revised to clarify that the home occupation must be conducted entirely either within the dwelling or within an artist studio.
- 2.8 SECTION 3: The definition of KENNEL, COMMERCIAL is revised to clarify that a commercial kennel involves the breeding, boarding and caring for animals for other than the private enjoyment of the residents of the property where the kennel is located.
- 2.9 SECTION 3: The definition of KITCHEN is revised to clarify that the definition applies to any room in a structure and not just a room.
- 2.10 SECTION 3: The definition of LOT is revised to clarify the legal requirements necessary for the creation of a lot.
- 2.11 SECTION 3: The definition of LOT, INTERIOR is revised to specify that the definition does not apply to lots that have a street frontage of less than 40 feet in width that are created by a subdivision of property that results in five or more lots. This is to provide that for lots within subdivisions that are located on cul-de-sacs, where the lot frontage is less than 40 feet, that the setbacks are the same as the adjacent lots that have a frontage in excess of 40 feet.
- 2.12 SECTION 3: The definitions of NONCONFORMING LOT, NONCONFORMING STRUCTURE and NONCONFORMING USE are revised to clarify the definitions and also to provide for, especially in regards to the definition of NONCONFORMING USE, additional criteria to consider in the determination of whether a use is nonconforming (e.g., floor area ratios, minimum site area, etc.).
- 2.13 SECTION 3: The definition of SETBACK is revised to clarify the meaning of the term.
- 2.14 SECTION 3: The definition of VISION CLEARANCE is revised to clarify the meaning of the term, and refer to more specific requirements in the general regulations section of Article II.
- 2.15 SECTION 3: The definitions of YARD; YARD, FRONT; YARD, REAR; and YARD, SIDE are deleted and referenced to the replacement corresponding definitions involving the term SETBACK.
- 2.16 SECTION 3: The definition of ZONING ADMINISTRATOR is revised to clarify and correct the definition.

- 2.17 SECTION 4: A definition of ENVIRONMENTAL REVIEW is added since the term is used within Article II.
  - 2.18 SECTION 4: A definition of HABITABLE ROOM is added since that term is used in the definition of DWELLING.
  - 2.19 SECTION 4: A definition of HOUSEHOLD PET is added since that term is used in a new proposed permitted use in the Planned Residential Development (PRD) zone district.
  - 2.20 SECTION 4: A definition of INTERIOR ACCESS is added since that term is used in the definition of DWELLING.
  - 2.21 SECTION 4: Definitions of LOT WIDTH, GROSS and LOT WIDTH, NET are added since those terms are used in the building site requirements of certain residential zoning districts.
  - 2.22 SECTION 4: A definition of PERMITTED USE is added since the term is used in the zoning ordinance and to clarify that although a use may be permitted, the appropriate permits still must be obtained prior to the commencement of the use.
  - 2.23 SECTION 4: A definition of SECONDARY USE is added for the purpose of consistency since the term is used in the zoning ordinance in regards to a residential use being secondary to a commercial use of property (e.g., Section 35-78.5.20).
  - 2.24 SECTION 4: New definitions of SETBACK, FRONT, SETBACK, REAR and SETBACK, SIDE are added for the purpose of consistency since the terms are used in the ordinance and to replace the existing corresponding definitions involving the term YARD.
3. Amend **DIVISION 4, Section 35-68.3, "ZONING DISTRICTS"**: to modify *Permitted Uses*, and *Section 35-68.6, Minimum Lot Size*, of *Section 35-68, AG-I Agriculture I*; amend *Section 35-69.3, Permitted Uses*, and *Section 35-69.6, Minimum Lot Size*, of *Section 35-69, AG-II Agriculture II*; amend *Section 35-70.3, Permitted Uses*, and *Section 35-70.6, Minimum Lot Size*, of *Section 35-70, RR Rural Residential*; amend *Section 35-71.3, Permitted Uses*, *Section 35-71.6, Minimum Lot Size*, *Section 35-71.7, Setbacks for Buildings and Structures*, *Section 35-71.8, Permitted Variations of Setbacks for Buildings*, *Section 35-71.9, Distance Required Between Buildings on the Same Building Site*, and *Section 35-71.12, Animals* of *Section 35-71, R-1/E-1 Single-Family Residential*; amend *Section 35-72.3, Permitted Uses*, *35-72.6, Minimum Lot Size*, *Section 35-72.7, Setbacks for Buildings and Structures*, *Section 35-72.8, Permitted Variations of Setbacks for Buildings*, and *Section 35-72.9, Distance Required Between Buildings on the Same Building Site*; amend *Section 35-73.3, Permitted Uses*, *Section 73.4, Uses Permitted with a Conditional Use Permit*, *Section 35-73.5, Minimum Lot Size*, and *Section 35-73.7, Distance Required Between Buildings on the Same Building Site*, of *Section 35-73, EX-1 One-Family*

*Exclusive Residential; amend Section 35-74.4, Permitted Uses, and Section 35-74.13, Open Space and Landscaping, of Section 35-74, DR Design Residential; amend Section 35-75.7, Permitted Uses, and Section 35-78.5, Uses Permitted With a Conditional Use Permit, of Section 35-75, Planned Residential Development; amend Section 35-78.5, Uses Permitted With a Minor Conditional Use Permit of Section 35-78, C-2 Retail Commercial; delete the text of Section 35-79, C-3 General Commercial; delete the text of Section 35-82, SC Shopping Center; amend Section 35-83.4, Permitted Uses, of Section 35-83, PI Professional and Institutional; delete the text of Section 35-84A, M-S-GOL Service Industrial-Goleta; delete the text of Section 35-85, M-1 Light Industry; delete the text of Section 35-86, M-2 General Industry; amend Section 35-90.3, Permitted Uses, and Section 35-90.7, Minimum Lot Size of Section 35-90, RES Resource Management; delete the text of Section 35-102B, Growth Management Overlay (GMO).*

- 3.1 SECTION 5: Amend Section 35-68.3, *Permitted Uses*, of Section 35-68, *Agriculture I*, to:
  - 3.1.1 Amend Section 35-68.3.4 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).
  - 3.1.2 Amend Section 35-68.3.7 and Section 35-68.3.8 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.
  - 3.1.3 Amend Section 35-68.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.
- 3.2 SECTION 6: Amend Section 35-68.6 of Section 35-68, *Agriculture I*, to re-title the section as Minimum Lot Area, clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, amend the existing table to refer to minimum lot area, and clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area.
- 3.3 SECTION 7: Amend Section 35-69.3, *Permitted Uses*, of Section 35-69, *Agriculture II*, to:
  - 3.3.1 Amend Section 35-69.3.2 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).
  - 3.3.2 Amend Section 35-69.3.6 and Section 35-69.3.10 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that

such a structure or use cannot be allowed without an existing primary residence.

- 3.3.3 Amend Section 35-69.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.
  
- 3.4 SECTION 8: Amend Section 35-69.6 of Section 35-69, *Agriculture II*, to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) amend the existing table to refer to minimum lot area, and (4) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area.
  
- 3.5 SECTION 9: Amend Section 35-70.3, *Permitted Uses*, of Section 35-70, *Rural Residential*, to:
  - 3.5.1 Amend Section 35-70.3.3 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).
  - 3.5.2 Amend Section 35-70.3.5 and Section 35-70.3.6 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.
  - 3.5.3 Amend Section 35-70.3.8 to revise the applicable subsections since the numbering of that section is proposed to be changed (see SECTION 16).
  - 3.5.4 Amend Section 35-70.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.
  
- 3.6 SECTION 10: Amend Section 35-70.6 to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to gross lot width and move this to the table, (4) amend the existing table to refer to minimum lot area and gross lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less gross lot width than normally required if it is a legal lot (see definition of LOT).
  
- 3.7 SECTION 11: Amend Section 71.3, *Permitted Uses*, of Section 35-71, *R-1/E-1 Single Family Residential*, to:

- 3.7.1 Amend Section 35-71.3.2, Section 35-71.3.3 and Section 35-71.3.6 to specify that guest houses, artists studios, home occupations and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.
- 3.7.2 Amend Section 35-71.3.5 to re-format the requirements regarding greenhouses, etc.
- 3.7.3 Amend Section 35-71.3.10 to clarify the language regarding allowance for uses, buildings and structures accessory to a permitted use.
- 3.8 SECTION 12: Amend Section 35-71.6 to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to net lot width and move this to the accompanying table, (4) amend the existing table to refer to minimum lot area and net lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less lot width than normally required if it is a legal lot (see definition of LOT).
- 3.9 SECTION 13: Amend Section 35-71.7, *Setbacks for Buildings and Structures*, to clarify the setback requirements based on minimum lot area requirements.
- 3.10 SECTION 14: Amend Section 35-71.8 of Section 35-71, *R-1/E-1 Single-Family Residential*, to clarify how side and rear setback variations are calculated.
- 3.11 SECTION 15: Amend Section 35-71.9 of Section 35-71, *R-1/E-1 Single-Family Residential*, to clarify those structures between which a minimum distance must be maintained.
- 3.12 SECTION 16: Amend Section 35-71.12, *Animals*, of Section 35-71, *R-1/E-1 Single Family Residential*, to:
  - 3.12.1 Amend Section 35-71.12.1 to specify that animal keeping is accessory to the primary residential use of the property.
  - 3.12.2 Amend Section 35-71.12.2 to allow for animal husbandry projects (e.g., 4H, FFA) involving small animals to occur on lots located outside of the Montecito Planning Area that have a minimum net

lot area of 10,000 square feet provided they are confined to any area located no closer than 40 feet to any dwelling on another lot.

- 3.12.3 Amend Section 35-71.12.4 (renumbered as 5.) to clarify that animals permitted as small animals must be non-hoofed so as not to conflict with the keeping of goats and sheep allowed under Section 35-71.12.2, and to only allow the keeping of roosters and peacocks on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger, except within the Montecito Planning Area where this restriction would not apply.
- 3.12.4 Amend Section 35-71.12 to add several new development standards for animal keeping in regards to odor and vector control, storage and disposal of manure, erosion and sedimentation control, and drainage.
- 3.13 SECTION 17: Amend Section 35-72.3, *Permitted Uses*, of Section 35-72, *R-2 Two-Family Residential*, to:
  - 3.13.1 Renumber Section 35-72.3.3 as Section 35-72.3.8 in order to address the modified numbering of the list of permitted uses that will result from the proposed additions to this section.
  - 3.13.2 Amend Section 35-72.3.4 (renumbered as 3.) to specify that that home occupations must be accessory to the primary residential use of property.
  - 3.13.3 Amend Section 35-72.3.6 to logically re-format the requirements regarding greenhouses, etc. (formatting change only: no change to requirements).
  - 3.13.4 Amend Section 35-72.3.7 (renumbered as 6.) to specify that that animal keeping must be accessory to the primary residential use of the property.
- 3.14 SECTION 18: Amends Section 35-72.6 of Section 35-72, *R-2 Two-Family Residential*, to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to net lot width and net lot area and move these to the accompanying table, (4) amend the existing table to refer to minimum net lot area and net lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less lot width than normally required if it is a legal lot (see definition of LOT).

- 3.15 SECTION 19: Amend Section 35-72.7, *Setbacks for Buildings and Structures*, of Section 35-72, *Two-Family Residential*, to delete the redundant numbering.
- 3.16 SECTION 20: Amend Section 35-72.7, *Permitted Variations of Setbacks for Buildings*, of Section 35-72, *Two-Family Residential*, to delete the existing redundant language (which was the same as in Section 35-71.8, *Single-Family Residential, Permitted Variations of Setbacks for Buildings*) and instead just refer to the language in Section 35-71.8.
- 3.17 SECTION 21: Amend Section 35-72.8 of Section 35-72, *R-2 Two-Family Residential*, to clarify those structures between which a minimum distance must be maintained.
- 3.18 SECTION 22: Amend Section 35-73.3, *Permitted Uses*, of Section 35-73, *EX-1 One-Family Exclusive Residential*, to:
- 3.18.1 Amend Section 35-73.3.2, Section 35-73.3.7 and Section 73.3.8 to specify that guest houses, artists studios, home occupations and animal-keeping shall be accessory to the primary residential use of a lot in order to clarify that such a structure or use cannot be allowed without an existing primary residence.
- 3.18.2 Amend Section 35-73.3.6 to logically re-format the existing requirements regarding greenhouses, etc. (formatting only: no change to requirements).
- 3.18.3 Amend Section 35-73.3.11 to clarify the language regarding allowance for uses, buildings and structures accessory to a permitted use.
- 3.19 SECTION 23: Amend Section 35-73.4, *Uses Permitted with a Conditional Use Permit*, of Section 35-73, *EX-1 One-Family Exclusive Residential*, to (1) clarify that the conditionally permitted uses listed in Section 35-172, the conditional use permit section of the permit processing division, do not apply to the EX-1 zone district and that a conditional use permit may not be issued to allow those uses in the *EX-1 One-Family Exclusive Residential* District, and (2) to specify, similar to the existing requirements of the Article III *EX-1 zone district*, that there can be no advertising signs, commercial display room, or sales stand in connection with a greenhouse permitted under this section.
- 3.20 SECTION 24: Amend Section 35-73.5, *Minimum Lot Size*, of Section 35-73, *EX-1 One-Family Exclusive Residential*, to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to “gross” in regards to lot width and gross lot area and move this term to the accompanying table, (4) amend the existing table to refer to minimum “gross

lot area” and “gross lot width”, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) re-number the existing section that provides when a dwelling may be located on a lot with less lot width than normally required (see definition of LOT).

- 3.21 SECTION 25: Amend Section 35-73.7, *Distance Required Between Buildings on the Same Building Site*, of Section 35-73, *EX-1 One-Family Exclusive Residential*, to clarify those structures between which a minimum distance must be maintained.
- 3.22 SECTION 26: Section 35-74.4, *Permitted Uses*, of Section 35-74, *DR Design Residential*, to:
- 3.22.1 Amend Section 35-74.4.6 and Section 35-74.4.7 to specify that home occupations and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a use cannot be allowed without an existing primary residence.
- 3.22.2 Amend Section 35-74.4.8 to list the referenced regulations of the *R-1/E-1 Single-Family* zone district.
- 3.22.3 Amend Section 35-74.4.10 to clarify the language that accessory buildings and structures on a lot with a residence may only be allowed when “incidental” and related to the primary use of the property.
- 3.23 SECTION 27: Amend Section 35-74.13.3 of Section 35-74, *DR Design Residential*, to clarify the scope of the uses that are allowed in the common open space areas associated with a DR residential development.
- 3.24 SECTION 28: Amend Section 35-75.7, *Permitted Uses*, of Section 35-75, *Planned Residential Development*, to (1) allow for the keeping of household pets subject to certain restrictions (see SECTION 4, definition of HOUSEHOLD PET), and (2) to revise the language regarding accessory uses, etc., to make it consistent with other zone districts.
- 3.25 SECTION 29: Amend/reformat subparagraphs 16 and 18 of Section 35-78.5, *Uses Permitted With a Minor Conditional Use Permit*, of Section 35-78, *C-2 Retail Commercial*, to (1) delete the existing footnote regarding trailers and move the same language into subparagraphs 16 and 18, and, (2) specific to subparagraph 18, clarify that trailer rentals are allowed with a minor conditional use permit in addition to truck rentals.
- 3.26 SECTION 30: Delete the text of Section 35-79, *C-3 General Commercial*, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.

- 3.27 SECTION 31: Delete the text of Section 35-82, *SC Shopping Center*, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.28 SECTION 32: Amend Section 35-83.4, *Permitted Uses*, of Section 35-83, *PI Professional and Institutional*, to add athletic clubs as a permitted use in the PI zone district.
- 3.29 SECTION 33: Delete the text of Section 35-84A, *M-S-GOL Service Industrial-Goleta*, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.30 SECTION 34: Delete the text of Section 35-85, *M-1 Light Industry*, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.31 SECTION 35: Delete the text of Section 35-86, *M-2 General Industry*, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.32 SECTION 36: Amend Section 35-90.3, *Permitted Uses*, of Section 35-90, *RES Resource Management*, to:
- 3.32.1 Amend Section 35-90.3.2 and Section 35-90.3.3 to specify that guest houses and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.
- 3.32.2 Add a new Section 35-90.3.5 that would add, as a permitted use, uses, buildings and structures accessory and customarily incidental to the existing list of permitted uses as a permitted use.
- 3.33 SECTION 37: Amend Section 35-90.7, *Minimum Lot Size*, of Section 35-90, *RES Resource Management*, to (1) re-title the section as *Minimum Lot Area*, (2) clarify that accessory uses and structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to "gross" in regards to lot area and move this term to the accompanying table, (4) amend the existing table to refer to "minimum gross lot area", and (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area.
- 3.34 SECTION 38: Delete the text of Section 35-102B, *Growth Management Overlay (GMO)* district since the majority of the property zoned to this overlay is within the jurisdictional boundaries of the City of Goleta and that the Board of Supervisors repealed the Goleta Growth Management Ordinance for the balance of the unincorporated area on July 6, 2002.

4. DIVISION 7, GENERAL REGULATIONS: Amend Section 35-119, *Accessory Structures*; amend Section 35 120, *Guest House, Artist Studio, or Pool House/Cabaña*; amend Section 35 121, *Home Occupations*; amend Section 35-123, *Fences, Walls and Gateposts*; amend Section 35-124, *Vision Clearance*; amend Section 35 125, *General Setback Regulations*; amend Section 35 126, *Through, Corner, Interior and Odd-Shaped Lots*; amend Section 35 131, *Temporary Tract Offices in Subdivisions*, by replacing it with a new section titled *Agricultural Sales*; amend Section 35 132, *Trailer Use*; amend Section 35 137, *Temporary Second Dwellings*, by replacing it with a new section titled *Temporary Uses*; amend Section 35-142, *Residential Second Unit*; amend Section 35-142, *Residential Second Unit*; add a new Section 35-144I, *Wildlife Species Rehabilitation*.

4.1 SECTION 39: Amend Section 35-119, *Accessory Structures*, to:

- 4.1.1 Amend Section 35-119.2 to clarify that in non-agricultural zone districts, accessory structures and uses may be commenced prior to the construction or use of the primary structure provided the accessory structures or uses are accessory to an existing principal use of the property.
- 4.1.2 Amend Section 35-119.3, Section 35-119.4, Section 35-119.5 and Section 35-119.6 to replace the term “yard” with “setback.” Also, specific to Section 35-119.5, amend the language to specify that the prohibition against locating an accessory structure closer to an adjacent street than the primary structure is located only applies to corner lots that are less than 100 feet in width.
- 4.1.3 Amend Section 35-119.3 to clarify the existing language.
- 4.1.4 Amend Section 35-119.9 to add language that allows the Director of Planning and Development to determine when an accessory structure constitutes a dwelling to provide a mechanism whereby a permit may be denied if the proposed development too closely resembles an additional dwelling unit that would be inconsistent with the zone district requirements.
- 4.1.5 Amend Section 35-119.11 to change the word “parcels” to “lots.”

- 4.2 SECTION 40: Amend Section 35-120, *Guest House, Artist Studio, or Pool House/Cabaña*, to: (1) eliminate references to pool house, (2) specify that such structures are limited to 16 feet in height and that a loft counts as a separate story, and (3) specify that commercial sales and transactions may only occur in an artist studio in conjunction with an issued coastal development permit for a home occupation.

- 4.3 SECTION 41: Amend Section 35-121, *Home Occupations*, to: (1) clarify that home occupations must be conducted entirely within the dwelling or artist studio, and may not alter the residential character of the neighborhood, (2) add new development standards, and (3) specify that certain businesses are not permitted as home occupations.
- 4.4 SECTION 42: Amend Section 35-123, *Fences, Walls and Gateposts*, to (1) clarify the permit requirements for fences, walls, gates and gateposts depending on their location (relative to setback areas) and height, (2) include gates within the regulations and subject to the same height requirements as the fence or wall, and (3) include standards for interior lots.
- 4.5 SECTION 43: Amend Section 35-124, *Vision Clearance*, to revise existing language to clarify location of vision clearance area, especially in regards to where streets intersect on a curve as opposed to a right angle.
- 4.6 SECTION 44: Amend Section 35-125, *General Setback Regulations*, to:
- (1) Correct the language regarding setbacks on recorded subdivision maps (Section 35-125.1);
  - (2) Delete the word “yard” (Section 35-125.2);
  - (3) Delete the obsolete method modifying setbacks in residential subdivisions that can now be accomplished through the development plan process (old Section 35-125.4);
  - (4) Specify that attached trellises may extend into the rear setback in certain circumstances (new Section 35-125.4.c);
  - (5) Allow ornamental garden and landscaping structures to be located in the front and side setbacks subject to restrictions (Section 35-125.4.d);
  - (6) Allow certain decks to be located in the front and side setbacks subject to restrictions (section 35-125-4.e);
  - (7) Allow certain non-habitable structures (e.g., storage buildings) to be located in the side setback subject to restrictions (Section 35-125-4.f);
  - (8) Allow utility pedestals to be located in the front and side setbacks subject to restrictions (Section 35-125-4.g);
  - (9) Allow unroofed enclosures to be located in the front setback subject to restrictions (Section 35-125-4.g); and,
  - (10) Specify that front setback reductions due to topographic differences are not available for carports (Section 35-125.6).
- 4.7 SECTION 45: Amend Section 35-126, *Through, Corner, Interior and Odd-Shaped Lots*, to: (1) revise the location of side setbacks on through lots based on the new definitions of front and side setbacks (Section 35-126.1), (2) delete the term “yard”(Section 35-126.1 and Section 35-126.2), and (3) include the method for determining the rear setback on a triangular lot (moved from the Definitions section).

- 4.8 SECTION 46: Amend Section 35 131, *Temporary Tract Offices in Subdivisions*, by replacing it with a new section titled *Agricultural Sales*. The purpose of this amendment is to add new provisions allowing for agricultural products produced off-premises and related non-plant products to be sold on land where the primary use is agricultural, including new development standards and noticing requirements. Also see revised definition of "Agriculture".
- 4.9 SECTION 47: Amend Section 35-132, *Trailer Use*, to:
- (1) Clarify and correct the general regulations language regarding trailer use (all sections);
  - (2) Delete the requirement to renew minor conditional use permits for farm employee housing every five years and replace with requirement that sufficient documentation regarding the farm employee residence use be provided every five years instead (Section 35-132.8);
  - (3) Clarify that the height of a trailer, stored on property as a use accessory to the residential use, is measured to the top of the roof of the trailer, and that a permit is not required to store a trailer on property as a use accessory to the residential use (section 35-132.10);
  - (4) Extend the period of time that a trailer may be used in an emergency after an un-planned destruction of a dwelling from 90 to 180 days (Section 35-132.11); and,
  - (5) Allow the use of a trailer as a temporary sales office for a subdivision (Section 35-132.12).
- 4.10 SECTION 48: Amend Section 35 137, *Temporary Second Dwellings*, by replacing it with a new section titled *Temporary Uses*. This amendment would create new regulations, exclusions, coastal permit processing requirements and procedures, and new appeal procedures and limitations for coastal development permits for temporary uses of property.
- 4.11 SECTION 49: Amend Section 35-142.6.7 of Section 35-142, *Residential Second Unit*, to clarify the height restrictions on second units.
- 4.12 SECTION 50: Amend Section 35-142.6.8 of Section 35-142, *Residential Second Unit*, to specify that the development standard regarding the entrances of second units not being visible from abutting streets only applies to attached second units only and not separate detached structures.
- 4.13 SECTION 51: Amend Section 35-142.6.22 of Section 35-142, *Residential Second Unit*, to clarify the language.

- 4.14 SECTION 52: Amend Section 35-142.6.23 of Section 35-142, *Residential Second Unit*, to clarify that detached residential units must reflect the exterior appearance and architectural style of the principle dwelling.
  - 4.15 SECTION 53: Amend Section 35-142.7.1 of Section 35-142, *Residential Second Unit*, to clarify language (minor text change only – no change to requirements).
  - 4.16 SECTION 54: Amend DIVISION 7, GENERAL REGULATIONS, to add a new Section 35-144I. *Wildlife Species Rehabilitation*, to add permitting requirements and development standards for wildlife species rehabilitation facilities.
5. DIVISION 10, NONCONFORMING STRUCTURES AND USES: Amend Section 35-161, Nonconforming Use of Land, Buildings and Structures; amend Section 35-162, Nonconforming Buildings and Structures.
- 5.1 SECTION 55: Amend Section 35-161.1 of Section 35-161, *Nonconforming Use of Land, Buildings, and Structures*, to add language allowing structural alterations, subject to restrictions, to structures that are determined to be nonconforming as to their use if they are (1) historical landmarks or (2) residential structures zoned either SR-M or SR-H that are threatened by coastal erosion.
  - 5.2 SECTION 56: Amend Section 35-162.1 of Section 35-162, *Nonconforming Buildings and Structures*, to add language allowing structural alterations, subject to restrictions, to nonconforming structures if they are historical landmarks consistent with the same proposed amendment to Section 35-161.1.
6. DIVISION 11, PERMIT PROCEDURES: Amend Section 35-169, *Coastal Development Permits*; Section 35-172.4, *Conditional Use Permits*, and Section 35-174, *Development Plans*.
- 6.1 SECTION 57: Amend Section 35-169.2.1.b of Section 35-169, *Coastal Development Permits*, to delete the reference to specific heights and instead have the section refer to the text in the General Regulations section.
  - 6.2 SECTION 58: Amend Section 35-169.2.2 of Section 35-169, *Coastal Development Permits*, to clarify the language regarding when a development plan is required due to the existing and proposed area of structures.
  - 6.3 SECTION 59: Amend Section 35-172.4. of Section 35-172, *Conditional Use Permits*, to (1) to delete the reference to specific heights in Section 35-172.4.1 and instead have the section refer to the text in the General

Regulations section, (2) delete the reference to the sale of agricultural products Section 35-172.4.3 since this is covered in the proposed Section 35-131, *Agricultural Sales*, and (3) add language in the new Section 35-172.4.3 that references the proposed Section 35-144I, *Wildlife Species Rehabilitation*.

- 6.4 SECTION 60: Amend Section 35-172.6.2 of Section 35-172, *Conditional Use Permits*, to specify that in certain situation, if a development plan is required in addition to a conditional use permit, then, in limited situations, where the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan would also be under the jurisdiction of the Zoning Administrator.
  - 6.5 SECTION 61: Amend Section 35-174.2 of Section 35-174, *Development Plans*, to (1) delete references to zone districts that are being deleted, and (2) clarify the language regarding the processing of “as-built” development plans.
  - 6.6 SECTION 62: Delete Section 35-172.13.6 of Sec. 35-172, *Conditional Use Permits*, since these regulations are now contained in Section 35-131, *Agricultural Sales*.
7. DIVISION 12, ADMINISTRATION: Amend Section 35-185, *Enforcement, Legal Procedures, and Penalties*.
- 7.1 SECTION 63: Amend Section 35-185.6 of Section 35-185, *Enforcement, Legal Procedures, and Penalties*, to: (1) revise the text to allow collection of administrative costs in all cases instead of just situations where a permit is not required, and (2) add language regarding cost recovery by way of imposing liens against property that may be collected with the property taxes (based on Gov’t. Code Sec. 54988).

## **B. NEW DEVELOPMENT/CUMULATIVE IMPACTS**

Section 30250 of the Coastal Act, as incorporated into the certified LCP, states:

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

Section 30252 of the Coastal Act, as incorporated into the certified LCP, states:

***The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

Policy 2-11:

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

Coastal Act Section 30250, as incorporated into the certified LUP, provides a framework for new development to concentrate structures, minimize road lengths through site design, and avoid individual or cumulative impacts to coastal resources in order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources. As required by this section of the Coastal Act and LUP, siting and design of new development must also take into account the requirements of other applicable policies of the LUP and Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. In addition, Policy 2-11 of the LCP provides that all new development shall be designed and regulated to avoid adverse impacts on sensitive habitat resources.

Pursuant to Coastal Act Sections 30250 and 30252, as incorporated by the certified LUP, new development raises issues relative to cumulative impacts on coastal

resources. In addition, under the LCP, any division of land constitutes “development” under the provisions of the certified LCP and, therefore, requires the issuance of a coastal permit. Specifically, “development” is defined by Section 35-58 of the LCP, in relevant part, as any:

*...change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto...*

Further, any division of land, including a subdivision, results in the potential increase of allowable new development which may occur on the land by a magnitude that directly corresponds to the number of new lots created. Thus, the Commission finds that any division of land, including the after-the-fact authorization of a lot that was previously subdivided in non-compliance with the applicable laws at the time of creation, may result in a potential change in the density or intensity of the use of land. This intensified use results in potential additional demands on public services, such as water, sewage, electricity, and roads. Further, the intensification of development from the subdivision of land results in potential increased adverse effects to all coastal resources identified by the certified LCP, including sensitive habitat areas, marine resources and water quality, public views, and public access and recreation.

A component of the proposed amendment is to modify the current definition of a legal “lot” in the certified CZO/IP. Currently, Section 35-58 of the CZO/IP defines a legal “lot” as:

*A single parcel of land in one (1) ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder’s Office or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or County ordinance.*

The proposed amendment would replace the previously existing definition of “lot” with the following:

*An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision.*

However, as discussed in detail above, a division of land, including the creation of a lot, constitutes development as defined by both the Coastal Act and the certified LCP. In this case, the proposed revised definition, although it would serve to clarify the requirements of the Subdivision Map Act for a legal lot, fails to include or reference the requirement that in order for a lot to be considered a legal lot, the lot must also comply with the provisions of the Coastal Act and the LCP. Further, the proposed amendment would actually delete existing language which states that a lot may not be created in violation of any applicable California law, including the Coastal Act. As a result, the

proposed amendment does not adequately implement the Land Use Plan (LUP) policies with regard to protection of coastal resources. Therefore, **Modification One (1)** has been suggested in order to clarify that any division of land, including the after-the-fact authorization (pursuant to the issuance of a certificate of compliance after the effective date of the Coastal Act or its predecessor initiative) of a lot that was previously subdivided in non-compliance with the applicable laws at the time of creation requires, in addition to any other requirement of the Subdivision map Act or local ordinances, a coastal development permit in order to create a legal lot.

In addition, the Commission notes that the construction of a second residential unit on a site where a primary residence exists may intensify the residential use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The Commission further notes that the placement of trailers on a lot with an existing single family residence may also result in adverse cumulative impacts on coastal resources if the trailer is effectively utilized as a second residential unit. In order to address this issue, the proposed amendment includes several new restrictions and provisions which would be added to Section 35-132 of the CZO/IP, *Trailer Use*, which regulate the use of trailers. In addition to the new restrictions, the amendment would also: (1) delete an existing requirement to renew minor conditional use permits for farm employee housing every five years; (2) provide a new exemption provision from the requirement to obtain a coastal permit for the storage of a trailer on property; (3) extend the period of time that a trailer may be used in an emergency after an un-planned destruction of a dwelling from 90 to 180 days; and, (4) allow the use of a trailer as a temporary sales office for a new subdivision.

In general, the proposed changes to regulate the use and placement of trailers are adequate to carry out the policies of the certified LUP in regards to the protection of coastal resources. However, the proposed change to Sec. 35-132.10, *Storage of Trailers as an Accessory Use to a Residential Use*, would provide for a new exemption from coastal development permit requirements for the permanent placement of a habitable trailer on a lot. Specifically, the proposed changes would allow for the “storage of trailers designed for or capable of human habitation or occupancy...may be stored on property without the requirement for a coastal development permit” when an existing residence is also located on the property. As discussed in detail above, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. Therefore, in order to ensure that cumulative adverse impacts to coastal resources from the intensification of use of a residentially developed lot do not occur as a result of the placement of a new trailer, **Modification Four (4)** has been suggested to add the provision that the storage of such a trailer would only be exempt from the requirement to obtain a coastal development permit only “if the trailer is not used for human habitation or occupancy on the lot.”

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

## **C. ENVIRONMENTALLY SENSITIVE RESOURCES**

Section 30230 of the Coastal Act, as incorporated in the LCP, states that:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act, as incorporated in the LCP, states that:

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

Section 30240 of the Coastal Act, as incorporated in the LCP, states that:

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

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

Policy 1-2 of the LUP states:

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

Policy 1-3 of the LUP states:

*Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.*

Policy 2-11 of the LUP states:

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

Policy 7-4 of the LUP states:

*The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreation areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as "Habitat Areas" by the*

***land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of the facility development (i.e., parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.***

Policy 9-1 of the LUP states:

***Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.***

Policy 9-9 of the LUP states:

***A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.***

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. Consistent with the sections of the Coastal Act regarding sensitive resources, the certified Local Coastal Program for Santa Barbara County identifies a commitment, and includes several specific policies and implementation provisions, to provide protection of environmentally sensitive habitat areas and marine resources. Pursuant to the policies of the Coastal Act and the certified LCP, no development may be permitted within ESHA, except for uses that are dependent on the resource. Section 30240 of the Coastal Act (incorporated into the certified LUP) further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Further, LUP Policy 2-11 specifically requires all development adjacent to environmentally sensitive habitat areas be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

The proposed amendment, in part, involves the modification or new addition of approximately 34 definitions as contained in Section 35-58, *Definitions*. The majority of the changes are minor in nature and will serve to clarify the meaning of terms used in the LCP. One of the proposed changes involves the creation of a new definition for the term "Environmental Review". The purpose of the new definition is to provide guidance in regards to the process and standards of review for analyzing potential impacts from new development. The definition, as proposed, states:

***ENVIRONMENTAL REVIEW: The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), the Guidelines for Implementation***

***of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.),  
and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.***

As proposed, “Environmental Review” would reference the California Environmental Quality Act (CEQA) but would not reference the policies and provisions of the LUP which, in addition to CEQA, are the actual standard of review for new development in the Coastal Zone. In addition, the proposed definition also references a document titled “County of Santa Barbara Environmental Thresholds and Guidelines Manual.” However, the Commission notes that the referenced document is not part of the certified LCP nor has it been included by the County for review and incorporation in the LCP as part of this pending amendment. Since, the referenced document has never been reviewed by the Commission or its staff, it is not possible to determine whether the guidelines contained in the manual are consistent with the policies and provisions of the certified LCP. However, the Commission notes that the certified LUP does contain policies and provisions for the protection of environmentally sensitive habitat and environmental resources. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP pursuant to Policy 1-1 of the LUP. The Commission finds that the standard of review for new development in the Coastal Zone in Santa Barbara County is the policies and provision of the certified Local Coastal Program. As a result, the amendment, as proposed, would not adequately implement the LUP policies with regard to protection of coastal resources. Therefore, for the above reasons, **Modification One (1)** has been suggested to: (1) clarify that the term “Environmental Review” is correctly defined to mean the analysis of the potential environmental effects that may result from development relative to the policies and development standards of the certified Local Coastal Program and (2) to delete the reference to the uncertified County document titled “County of Santa Barbara Environmental Thresholds and Guidelines Manual.”

The certified LCP currently provides that the construction of new facilities for the retail sale of agricultural products (including retail and storage structures, as well as, related parking areas) are subject to the requirement to obtain a coastal development permit prior to construction. The proposed amendment would modify Section 35-131 to provide additional requirements and provisions for the construction of larger retail sales facilities for agricultural products (including any facilities for the sale of container plants, Christmas trees, pumpkins, etc. involving the use of a total outdoor/indoor area of 10,000 sq. ft. or more). In addition, the amendment would include a new provision to exclude small sales facilities (“fruit stand” type structures) from the requirement to obtain a coastal development permit. Specifically, the amendment would allow for the construction of a stand/structure for the purpose of selling agricultural products without a coastal permit if the facility would not exceed 600 square feet in gross floor area. In addition, the amendment would also allow for the construction of such a facility without a coastal permit if the facility is intended for the sale of non-plant material-agricultural products only if the facility is less than 300 square feet in area.

The Commission finds that the proposed provisions regarding agricultural sales facilities would, in general, support agriculture in coastal areas. However, the new exemption provisions, as proposed, are not adequate to ensure that potential adverse effects to environmentally sensitive habitat, public access, or public views would not result from

the construction of new sales and parking facilities. As proposed, this amendment would exclude the installation of certain types of agricultural retail facilities from the coastal permit requirements regardless of whether such development would result in adverse effects to coastal resources. As a result, the proposed amendment would not adequately implement the LUP policies with regard to protection of coastal resources and would not provide the same level of protection for coastal resources as currently exist under the LCP. Therefore, **Modification Three (3)** is suggested in order to add additional restrictions on the types of development that are exempt from coastal permit requirements. This modification will still allow for the exemption from permit requirement for most small agricultural product sales facilities that are less than 600 sq. ft. in size, provided that such development would not result in any potential adverse effects to environmentally sensitive habitat. Specifically, this modification would ensure that the above specified types of development would be exempt from coastal development permit requirements only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or within 50 ft. of a coastal bluff; (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

In addition, the Commission finds that the use of impervious surfaces in new development, including any associated parking areas necessary for agricultural sales facilities, results in a decrease in the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with developed areas include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These effects adversely impact water quality and coastal resources, reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

As proposed, this amendment would add new provisions and restrictions regarding the construction of facilities for the retail sale of agricultural products. Specifically, Sec. 35-131.4 would add a new provision that:

***All parking areas, except for those associated with short-term, seasonal sales, shall be surfaced with a minimum of asphalt, concrete, brick or other masonry paving units, chip***

***seal or crushed rock surface. Parking area associated with short-term, seasonal sales may be unimproved, however, any dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface. Parking shall not be allowed within any adjacent road rights-of-way or trail easements. Parking areas shall comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.***

As discussed in detail above, the proliferation and use of non-permeable surfaces in new development results in a decrease in the infiltrative function and capacity of existing permeable land on site and, ultimately, results in adverse impacts to water quality and coastal resources. The Commission finds that in order to minimize adverse effects to marine resources and water quality, the use of impermeable surfaces and building materials should be minimized. In this case, the proposed text for Sec. 35-131.4 would actually require the use of non-permeable surfaces in parking areas associated with agricultural retail facilities, including in existing rural and relatively undeveloped areas. Therefore, **Modification Three (3)** is also suggested in order to ensure that the proposed development provisions of the amendment are revised in order to minimize the use impermeable materials for parking facilities to the maximum extent feasible consistent with the water quality and marine resource policies of the LUP. This modification will ensure that adverse effects to water quality resulting from these types of developments are minimized with the exception that non-permeable surfacing materials (such as asphalt, concrete, or chip seal) may be used only if necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable. The use of any non-permeable surfacing materials shall be the minimum necessary to comply with requirements for the provision of disabled access

Further, the certified Land Use Plan contains several provisions regarding the protection of sensitive habitat areas. The construction of new development, including the installation of new walls, fences, trailers, or other structures within environmentally sensitive habitat areas would result in potential adverse effects to those resources and is not consistent with Section 30240 of the Coastal Act, which has been incorporated in the certified Land Use Plan. As proposed, Sections 35-123 and 35-169.2.1.b. would allow the installation of new fences, walls, and gates regardless of whether such development would result in adverse effects to coastal resources. In addition, as proposed, Sec. 35-132.10, *Storage of Trailers as an Accessory Use to a Residential Use*, would also allow for a similar exemption to apply for the storage of a trailer on residentially developed site without regard to the potential presence of sensitive environmental resources. Therefore, **Modifications Two (2), Four (4) and Six (6)** are suggested in order to still allow for the exemption of the above referenced types of development under most circumstances, while still ensuring that development that would result in potential adverse effects to environmentally sensitive habitat areas would still require the same level of review that is currently required pursuant to the provisions of the certified LCP and to ensure that any potential adverse impacts to coastal resources are avoided or minimized. Specifically, these three modifications would ensure that the above specified types of development would be exempt from coastal development permit requirements only if the development will: (1) not be located

within or adjacent to a wetland, beach, environmentally sensitive habitat area, or within 50 ft. of a coastal bluff; (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways. Only with the suggested modifications would new development that would otherwise result in adverse effects to sensitive habitat areas, public access, and coastal views be required to obtain a coastal development permit in order to ensure that impacts to those resources are avoided or minimized consistent with the provisions of the certified LUP.

In addition, the proposed amendment also includes new provisions (Sec. 35-137, *Temporary Uses*) for the regulation of temporary events, including provisions for certain types of temporary uses that would be exempt from the requirement to obtain a coastal development permit. The new regulations would also provide additional standards of review for other types of temporary uses which would not be exempt from the requirement to obtain a coastal development and changes to the appeals process for coastal development permits issued for temporary uses.

The Coastal Act provides that after certification of a Local Coastal Programs, a local government's actions on coastal development permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission. Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff (Coastal Act Section 30603[a]). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone (Coastal Act Section 30603[a][4]). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission (Coastal Act Section 30603[a][5]).

As proposed, the amendment would create a new "expedited" appeals process which would provide that the Zoning Administrator shall hold a hearing on an appeal "no later than 12 hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later than the time the temporary use is scheduled to commence. The decision of the Zoning Administrator shall be final." As a result, the proposed amendment would eliminate all opportunity to appeal a coastal permit issued for a temporary use to the California Coastal Commission regardless of whether the development would otherwise be appealable pursuant to the requirements of the Coastal Act and Sec. 35-182, *Appeals*, of the CZO/IP. The elimination of the public's ability to appeal a coastal development permit to the Commission is not consistent with the provisions of the LUP or the Coastal Act regarding the requirements

for the appeals process. Therefore, **Modification Five (5)** has been suggested to ensure that the public's ability to appeal a coastal development permit, consistent with the provisions of the LCP and Coastal Act, shall not be reduced. However, in recognition of the County's intention to create an expedited process for the review of temporary uses, **Modifications One (1) and Five (5)** have also been suggested in order to add a new definition for "temporary use" and new provisions that allow for exclusion of certain types of temporary uses from coastal permit requirements provided that the temporary use will not result in any direct or indirect impacts to environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, public access, public views, or other coastal resources pursuant to the policies and sections of the certified Local Coastal Program. The Commission notes that pursuant to this suggested modification, the temporary use exclusions provided by this section of the Santa Barbara County LCP would be consistent with: (1) Section 30610(i) of the California Coastal Act regarding temporary event exclusions; (2) the *Guidelines For the Exclusion of Temporary Events from Coastal Commission Permit Requirements*, as adopted by the California Coastal Commission on May 12, 1993; and (3) with similar provisions for the exclusion of temporary uses from permit requirements that have been incorporated in other certified LCPs, including the provisions of the Malibu LCP.

For the reasons above, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carryout the provisions of LUP Policies with respect to the protection of environmentally sensitive habitat areas unless modified as suggested above.

## **D. VISUAL RESOURCES AND PUBLIC ACCESS**

Coastal Act Section 30210, as incorporated in the LCP, states that:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private*

Coastal Act Section 30211, as incorporated in the LCP, states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a), as incorporated in the LCP, states:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*

*(2) adequate access exists nearby, or,*

**(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.**

Coastal Act Section 30212.5 states:

**Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**

Section 30250 of the Coastal Act, as incorporated in the LCP, states in part:

**(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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels...**

Section 30251 of the Coastal Act states:

**The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.**

Section 30252 of the Coastal Act states:

**The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.**

Policy 3-14 of the LUP states:

**All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.**

Policy 7-1 of the LUP states in part:

***The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.***

Policy 7-3 of the LUP states in part:

***For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. ...In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.***

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities while preserving the scenic and visual qualities of coastal areas. Consistent with sections of the Coastal Act regarding public access, the certified Local Coastal Program for Santa Barbara County identifies a commitment, and contains several specific policies and implementation provisions to provide and maintain public access while protecting public views. Section 30210 of the Coastal Act, as incorporated in the LCP, provides that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights, and natural resource protection. Section 30211 of the Coastal Act, as incorporated in the LCP, requires that development not interfere with the public's right of access to the sea with certain exceptions. Furthermore, Section 30212 of the Coastal Act, as incorporated in the LCP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. Certain minor types of development would also not require the provision of access. Finally, Section 30214 of the Coastal Act, as incorporated in the LCP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc.

In addition, LCP Policy 7-1 highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline." Further, Policy 7-3 specifically states that for new development between the first public road and the ocean, that all fences, trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

The certified LCP currently provides that the construction of new facilities for the retail sale of agricultural products (including retail and storage structures, as well as, related parking areas) are subject to the requirement to obtain a coastal development permit prior to construction. The proposed amendment would modify Section 35-131 to provide additional requirements and provisions for the construction of larger retail sales facilities for agricultural products (including any facilities for the sale of container plants, Christmas trees, pumpkins, etc. involving the use of a total outdoor/indoor area of 10,000 sq. ft. or more). In addition, the amendment would include a new provision to exclude small sales facilities ("fruit stand" type structures) from the requirement to obtain a coastal development permit. Specifically, the amendment would allow for the construction of a stand/structure for the purpose of selling agricultural products without

a coastal permit if the facility would not exceed 600 square feet in gross floor area. In addition, the amendment would also allow for the construction of such a facility without a coastal permit if the facility is intended for the sale of non-plant material-agricultural products only if the facility is less than 300 square feet in area.

The Commission finds that the proposed provisions regarding agricultural sales facilities would, in general, support agriculture in coastal areas. However, the new exemption provisions, as proposed, are not adequate to ensure that potential adverse effects to public access or public views would not result from the construction of new sales and parking facilities. As proposed, this amendment would allow the installation of certain types/sizes of agricultural retail facilities regardless of whether such development would result in adverse effects to coastal resources. As a result, the proposed amendment would not adequately implement the LUP policies with regard to protection of coastal resources and would not provide the same level of protection for coastal resources as currently exist under the LCP. Therefore, **Modification Three (3)** is suggested in order to add additional restrictions on the types of development that are exempt from coastal permit requirements. This modification will still allow for the exemption from permit requirements for most small agricultural product sales facilities that are less than 600 sq. ft. in size provided that such development would not result in any potential adverse effects to public views or public access. Specifically, this modification would ensure that the above specified types of development would be exempt from coastal development permit requirements only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or within 50 ft. of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

In addition, the proposed amendment includes a proposed revision to both Sections 35-123 and 35-169.2.1.b. which is intended to: (1) clarify the exemption provisions that currently exist for the installation of new fences, walls, and gates and (2) make minor revisions regarding the requirement for a coastal permit or conditional permit for such development based on the height of the fences or walls. The Commission notes that the proposed revisions to the height provisions are minor in nature and do not result in any change to how these sections would be applied. However, the Commission notes that although Section 35-169.2.1.b. specifically states (in both existing and proposed text) that the installation of fences, walls, or gates are not exempt from coastal development permit requirements if such development would interfere with public access to the beach, no such restriction is proposed or currently referenced by Section 35-123. As a result, the two sections of the IP are not consistent with each other regarding the exemption provisions for fences/wall/gates. Therefore, **Modification Two (2) and Modification Six (6)** are suggested in order to ensure internal consistency between the different sections of the IP that provide for permit and exemption requirements for fences, walls, and gates.

In addition, **Modification Two (2) and Modification Six (6)** are also suggested in order to clarify that existing public access resources include prescriptive public rights where

formal recorded easements for public access may not exist. In addition, the certified Land Use Plan contains several provisions regarding the protection of both public access, as well as the scenic and visual qualities of coastal areas. As proposed, Sections 35-123 and 35-169.2.1.b. would allow the installation of new development without consideration of whether such development would result in adverse effects to coastal resources. In addition, the new proposed Sec. 35-132.10, *Storage of Trailers as an Accessory Use to a Residential Use*, would also allow for a similar exemption to apply for the storage of a trailer on residentially developed site without regard to potential impacts to either existing public access or public coastal views. Therefore, **Modifications Two (2), Four (4) and Six (6)** are also suggested in order to still allow for the exemption of the above referenced types of development under most circumstances, while still ensuring that development that would result in potential adverse effects to public access or public views would still require the same level of review that is currently required pursuant to the provisions of the certified LCP and to ensure that any potential adverse impacts to coastal resources are avoided or minimized. Specifically, this modification would ensure that the above specified types of development would be exempt from coastal development permit requirements only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or within 50 ft. of a coastal bluff; (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways. Only with the suggested modifications would new development that would result in adverse effects to sensitive habitat areas, public access, and coastal views be required to obtain a coastal development permit in order to ensure that impacts to those resources are avoided or minimized consistent with the provisions of the certified LUP.

In addition, the proposed amendment also includes new provisions (Sec. 35-137, *Temporary Uses*) for the regulation of temporary events, including provisions for certain types of temporary uses that would be exempt from the requirement to obtain a coastal development permit. The new regulations would also provide additional standards of review for other types of temporary uses which would not be exempt from the requirement to obtain a coastal development and changes to the appeals process for coastal development permits issued for temporary uses.

The Coastal Act provides that after certification of a Local Coastal Programs, a local government's actions on coastal development permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission. Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff (Coastal Act Section 30603[a]). Any

development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone (Coastal Act Section 30603[a][4]). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission (Coastal Act Section 30603[a][5]).

As proposed, the amendment would create a new “expedited” appeals process which would provide that the Zoning Administrator shall hold a hearing on an appeal “no later than 12 hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later than the time the temporary use is scheduled to commence. The decision of the Zoning Administrator shall be final.” As a result, the proposed amendment would eliminate all opportunity to appeal a coastal permit issued for a temporary use to the California Coastal Commission regardless of whether the development would otherwise be appealable pursuant to the requirements of the Coastal Act and Sec. 35-182, *Appeals*, of the CZO/IP. The elimination of the public’s ability to appeal a coastal development permit to the Commission is not consistent with the provisions of the LUP or the Coastal Act regarding the requirements for the appeals process. Therefore, **Modification Five (5)** has been suggested to ensure that the public’s ability to appeal a coastal development permit, consistent with the provisions of the LCP and Coastal Act, shall not be reduced. However, in recognition of the County’s intention to create an expedited process for the review of temporary uses, **Modifications One (1) and Five (5)** have also been suggested in order to add a new definition for “temporary use” and new provisions that allow for exclusion of certain types of temporary uses from coastal permit requirements provided that the temporary use will not result in any direct or indirect impacts to coastal resources, including public access and public views pursuant to the policies and sections of the certified Local Coastal Program. The Commission notes that pursuant to this suggested modification, the temporary use exclusions provided by this section of the Santa Barbara County LCP would be consistent with: (1) Section 30610(i) of the California Coastal Act regarding temporary event exclusions; (2) the *Guidelines For the Exclusion of Temporary Events from Coastal Commission Permit Requirements*, as adopted by the California Coastal Commission on May 12, 1993; and (3) with similar provisions for the exclusion of temporary uses from permit requirements that have been incorporated in other certified LCPs, including the provisions of the Malibu LCP.

For the reasons above, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carryout the provisions of LUP Policies with respect to the protection of the visual resources and public access unless modified as suggested above.

## **E. ENFORCEMENT PROVISIONS**

The certified LCP contains several provisions regarding the ability of the County to resolve unpermitted development. A component of the proposed amendment includes a minor revision to Section 35-185.6 of Section 35-185, *Enforcement, Legal*

*Procedures, and Penalties*, which is intended to: (1) revise the text to allow collection of administrative costs in all cases instead of just situations where a permit is not required read as follows, and (2) add language regarding cost recovery by way of imposing liens against property that may be collected with the property taxes. The intention of this revision is consistent with all existing provisions and policies of the certified LCP; however, **Modification Seven (7)** is suggested in order to clarify that any additional permit application fees where a permit is required to authorize some, or all, of the unpermitted development shall not be interpreted as a limitation on any other monetary penalties and/or settlements that the County and/or California Coastal Commission may seek to resolve violations. This change is necessary in order to ensure that the existing ability of the County and the Coastal Commission to adequately enforce the provisions of the certified LCP and Coastal Act are not diminished.

For the reasons above, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carryout the provisions of LUP Policies with respect to enforcement and implementation unless modified as suggested above.

## **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission’s program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, “...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.”

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

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

IN THE MATTER OF ADOPTING )  
AMENDMENTS TO THE SANTA BARBARA )  
COUNTY COASTAL ZONING ORDINANCE, )  
ARTICLE II OF CHAPTER 35 OF THE )  
SANTA BARBARA COUNTY CODE TO )  
REVISE EXISTING ADMINISTRATIVE )  
PROCEDURES AND ZONING REGULATIONS )  
FOR CERTAIN TYPES OF DEVELOPMENT, )  
ADD NEW PERMITTED USES, AND AMEND )  
CERTAIN EXISTING PERMIT PROCEDURES; )  
AND SUBMITTING SAME AMENDMENTS TO )  
THE CALIFORNIA COASTAL COMMISSION. )

RESOLUTION NO.: 04-351  
CASE NO.: 04ORD-00000-00021

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

04ORD-00000-00021: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 1, In General, DIVISION 2, Definitions, DIVISION 4, Zoning Districts, DIVISION 5, Overlay Districts, DIVISION 7, General Regulations, DIVISION 10, Nonconforming Structures and Uses, DIVISION 11, Permit Procedures; and DIVISION 12, Administration, to revise the existing ordinance regulations regarding accessory structures located within setback areas, amateur radio antennas, animals, collection of fines associated with zoning violations, home occupations, outdoor retail sales in agricultural areas, temporary use of property (special events), relationship between permitted and accessory uses, structural alterations to certain nonconforming historical landmarks and dwellings located adjacent to the coast, add certain permitted uses; clarify existing

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|--|
| <b>EXHIBIT 1</b>                                 |
| <b>STB-MAJ-3-04</b>                              |
| <b>Resolution No. 04-351<br/>To Amend IP/CZO</b> |

regulations, amend existing permit procedures, and make other minor clarifications and text corrections.

Said ordinance (Case Number 04ORD-00000-00021) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The Planning Commission, after holding duly noticed public hearings on the above described items, has endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code and Planning Commission Resolution 04-11.
- F. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors now wishes to submit this amendment 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 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are approved as amendments to the Santa Barbara County Coastal Zoning Ordinance.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
- 4. The Board of Supervisors submits this Local Coastal Program amendment to the California Coastal Commission for review and certification.
- 5. The Chairman and Clerk of the Board of Supervisors 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 7<sup>th</sup> day of December, 2004 by the following vote:

AYES: Supervisors Schwartz, Rose, Marshall, Centeno

NOES: None

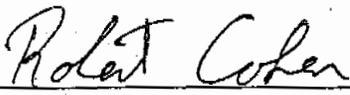
ABSTAIN: None

ABSENT: Supervisor Gray

  
\_\_\_\_\_  
JOSEPH CENTENO, Chair  
Board of Supervisors, County of Santa Barbara

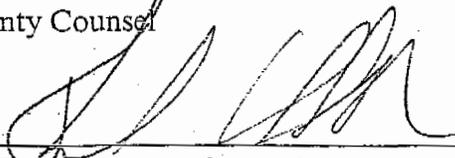
ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

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

EXHIBITS:

1. Ordinance - Article II (04ORD-00000-00021)





# County of Santa Barbara Planning and Development

Valentin Alexeeff, Director

Dianne Meester, Assistant Director

RECEIVED

DEC 23 2004

December 21, 2004

Gary Timm  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001

CALIFOR  
COASTAL CO  
SOUTH CENTRAL C

EXHIBIT 2

STB-MAJ-3-04

Proposed Zoning Text  
Changes

Re: Santa Barbara County Local Coastal Program Amendment 3-2004  
General Package of Amendments to the Coastal Zoning Ordinance, Article II of Chapter 35  
of the Santa Barbara County Code; County Case Number 04ORD-00000-00021

Dear Mr. Timm:

On December 7, 2004 the Santa Barbara County Board of Supervisors adopted Resolution No. 04-351 to adopt an ordinance amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, and submit this amendment to the County's Local Coastal Program for certification by the California Coastal Commission. This submittal represents the County's third and final submittal for the year 2004.

## Summary of Ordinance No. 4557

The following provides a summary of the adopted amendments to the Article II zoning ordinance. It is organized according to the Division of Article II (e.g., DIVISION 1, IN GENERAL) that is being amended. The referenced section numbers (e.g., SECTION 1) correspond to the section numbers in Ordinance 4557. Text that is underlined is to be added; text that is struck-through is to be deleted.

The approved Ordinance No. 4557 amended Article II as follows:

1. DIVISION 1, IN GENERAL: Amend Section 35-52, Zoning District Designations and Applicability, to delete references to the General Commercial (C-3), Shopping Center Commercial (SC), Light Industry (M-1), General Industry (M-2), and Service Industrial – Goleta (M-S-GOL) zone districts; amend Section 35-53, Overlay District Designations and Applicability, delete the Growth Management Ordinance (GMO) overlay district.
  - 1.1 SECTION 1: This section of the ordinance deletes references to the General Commercial (C-3), Shopping Center Commercial (SC), Light Industry (M-1), General Industry (M-2), and Service Industrial – Goleta (M-S-GOL) zone districts since there is no longer any land zoned to these districts due to the incorporation of the City of Goleta.
  - 1.2 SECTION 2: This section of the ordinance deletes the Growth Management Ordinance (GMO) overlay district since the majority of the property zoned to this overlay is within the

jurisdictional boundaries of the City of Goleta and that the Board of Supervisors repealed the Goleta Growth Management Ordinance for the balance of the unincorporated area on July 6, 2002.

2. DIVISION 3, DEFINITIONS: Amend the existing definitions of Agriculture, Artist Studio, Dwelling, Dwelling, One-Family, Dwelling, Two-Family, Dwelling, Multiple, Floor Area, Gross, Floor Area, Net, Guest House-Cottage, Home Occupation, Kennel, Commercial, Kitchen, Lot, Lot, Interior, Nonconforming Lot, Nonconforming Structure, Nonconforming Use, Setback, Yard, Yard, Front, Yard, Rear, Yard, Side, and Zoning Administrator; add new definitions of Environmental Review, Habitable Room, Household Pet, Interior Access, Lot Width, Gross, Lot Width, Net, Permitted Use, Secondary Use, Setback, Front, Setback, Rear, and Setback, Side.

- 2.1 SECTION 3: The definition of AGRICULTURE is revised in order to provide internal consistency with the new Agricultural Sales section of the General Regulations (see SECTION 46).

*AGRICULTURE: The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Sec. 35-131 (General Regulations – Agricultural Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter or any other similarly objectionable use.*

- 2.2 SECTION 3: The definition of ARTIST STUDIO is revised in order to specify that the person using the artist studio must live in the dwelling unit located on the same lot as the artist studio. The deleted text is moved to the existing Artist Studio section of the General Regulations (see SECTION 40).

*ARTIST STUDIO: A building or structure, or portion of a building or structure, used as a place of work by an artist or photographer who resides in a dwelling unit located on the same lot as the artist studio, but shall not include commercial sales or transactions on the property. An artist studio may include a restroom, however it shall specifically exclude cooking facilities, or any other use that would allow the building or structure to be used as a separate dwelling unit or guest house.*

- 2.3 SECTION 3: The definition of DWELLING is revised in order to clarify what constitutes a dwelling and also to include the requirement (previously located in the definition of Dwelling, One-Family) regarding interior access between habitable rooms.

*DWELLING: A building or portion thereof designed for and occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families and their guests and servants, with sanitary facilities and one kitchen provided within the unit. A room or group of rooms having interior access between all habitable*

rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or lodging houses, dormitories, and hotels shall not be defined as dwelling units.

- 2.4 SECTION 3: The definitions of DWELING, ONE-FAMILY, DWELLING, TWO-FAMILY and DWELLING, MULTIPLE are deleted and replaced with a definition that relies on the definition of DWELLING.

~~DWELLING, ONE-FAMILY: A building or portion thereof, designed for and occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one family and its guests, with sanitary facilities and one kitchen provided within the unit. Interior access shall be provided and maintained through all habitable portions of the dwelling. Additionally, this interior access requirement shall not be satisfied by providing access through non-habitable areas of the dwelling. Boarding or lodging houses, dormitories, and hotels shall not be defined as dwelling units. A building designed for and occupied exclusively by one family, and containing one dwelling.~~

~~DWELLING, TWO-FAMILY: A single detached dwelling designed for and occupied exclusively by two families alone, and having but two kitchens. A building designed for and occupied exclusively by two families, and containing two dwellings.~~

~~DWELLING, MULTIPLE: A single detached building designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings including apartment houses, apartment hotels, condominiums, and flats, but not including fraternities, sororities, trailer courts or camps, motels, hotels or resort type hotels.~~

- 2.5 SECTION 3: The definitions of FLOOR AREA-GROSS and FLOOR AREA-NET are revised to (1) clarify how the floor area of a structure is calculated and (2) more comprehensively define what portions of a structure are included either within the gross or net floor area calculation.

~~FLOOR AREA-GROSS: The total area of all floors of a building and measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices. The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:~~

- ~~(i) corridors and halls;~~
- ~~(ii) stairways;~~
- ~~(iii) elevator shafts;~~
- ~~(iv) closets, storage, service, utility and mechanical equipment rooms;~~

- (v) attached garages;
- (vi) open or roofed porches, balconies, or porticos;
- (vii) roofed arcades, plazas, courts, walkways, or breezeways;
- (viii) permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
- (ix) basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the building official;
- (x) in residential zone districts, additionally all roofed porches, arcades balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure. For attached or detached residential second units, this term includes only the second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.

FLOOR AREA-NET: The gross floor area excluding vents, shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.

- 2.6 SECTION 3: The definition of GUEST HOUSE is revised to clarify the definition.

GUEST HOUSE: ~~Detached~~ Living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building dwelling on the lot on which such guest house is located, and not rented or otherwise used as a separate dwelling.

- 2.7 SECTION 3: The definition of HOME OCCUPATION is revised to clarify that the home occupation must be conducted entirely either within the dwelling or within an artist studio.

HOME OCCUPATION: ~~An occupation~~ A commercial activity conducted entirely within the dwelling portion of a building dwelling by the occupants a person or persons residing in of the dwelling unit, or conducted entirely within an artist studio by a person residing in a dwelling located on the same lot.

- 2.8 SECTION 3: The definition of KENNEL, COMMERCIAL is revised to clarify that a commercial kennel involves the breeding, boarding and caring for animals for other than the private enjoyment of the residents of the property where the kennel is located.

KENNEL, COMMERCIAL: Any premises or area where four (4) or more dogs four (4) months of age or older are bred, boarded or trained, for other than private enjoyment of the residents of the lot on which the kennel is located, and where services are offered to the public.

- 2.9 SECTION 3: The definition of KITCHEN is revised to clarify that the definition applies to any room in a structure and not just a room.

*KITCHEN: Any room, all or part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of foods.*

- 2.10 SECTION 3: The definition of LOT is revised to clarify the meaning.

~~*LOT: A single parcel of land in one (1) ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder's Office or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or County ordinance.*~~

*An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision.*

- 2.11 SECTION 3: The definition of LOT, INTERIOR is revised to specify that the definition does not apply to lots have a street frontage of less than 40 feet in width that are created by a subdivision of property that results in five or more lots. This is to provide that for lots within subdivisions that are located on cul-de-sacs, where the lot frontage is less than 40 feet, that the setbacks are the same as the adjacent lots that have a frontage in excess of 40 feet.

~~*LOT, INTERIOR: A lot which has access by a private easement and has no street frontage or by a portion of a lot having a width of less than forty (40) feet. A lot that (1) has no street frontage or (2) the street frontage is less than 40 feet in width and the lot was not created by a subdivision resulting in five or more lots.*~~

- 2.12 SECTION 3: The definitions of NONCONFORMING LOT, NONCONFORMING STRUCTURE and NONCONFORMING USE are revised to correct the definitions and also to provide for, especially in regards to the definition of NONCONFORMING USE, additional aspects of the zoning ordinance that a use may be nonconforming to (e.g., floor area ratios, minimum site area, etc.).

~~*NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption effective date of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of the zoning district in which it is situated this Article.*~~

~~*NONCONFORMING STRUCTURE: A building or structure, the setbacks, height, or location of which was lawful prior to the adoption effective date of this Article or any*~~

*amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of ~~the zoning district in which it is situated~~ this Article including but not limited to height, location, lot coverage or setbacks.*

*NONCONFORMING USE: Any use of land, building, or structure which was lawful prior to the ~~adoption~~ effective date of this Article or any amendment hereto, or previously adopted County Ordinances, and which does not conform to the present regulations on use of ~~the zoning district in which it is situated~~ this Article including but not limited to (1) a use of land established where the use is not identified as a permitted use by the zoning district applicable to the lot on which the use is located, (2) a use of land that is identified as a permitted use by the zoning district applicable to the lot on which the use is located but is not allowable on the particular site because of planning area standards of a Community and Area Plan Overlay commencing with Division 12, (3) a use of land that was lawfully established without the coastal development permit or other entitlement (e.g., conditional use permit, development plan) now required by this Article, (4) a use of land that is operated or conducted in a manner that does not now conform with the standards of this Article including but not limited to floor area ratios, minimum site area, limitations on use, or location criteria, or (5) a residential use that exceeds the number of dwelling units or bedrooms allowed on the lot by this Article.*

- 2.13 SECTION 3: The definition of SETBACK is revised to clarify the meaning of the term.

*SETBACK: The minimum required distance that a building or structure must be located from any property line of the lot on which they are located or street center line in order to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Article.*

- 2.14 SECTION 3: The definition of VISION CLEARANCE is revised to clarify the meaning of the term, and refer to more specific requirements in the General Regulations section of Article II.

*VISION CLEARANCE AREA: A triangular space at the street or highway corner of a corner lot ~~containing no~~ wherein the height of plantings, fences, walls, or and other structures is restricted ~~exceeding three (3) feet in height~~. Vision clearance shall be measured along the street line from the corner to the hypotenuse of the triangle. (See Sec. 35-124. Vision Clearance Area.)*

- 2.15 SECTION 3: The definitions of YARD, YARD, FRONT, YARD REAR and YARD, SIDE are deleted and referenced to the replacement corresponding definitions involving the term SETBACK.

*YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such open space is unoccupied and unobstructed from the ground upward except for architectural features as specified in Sec. 35-125.3, and accessory buildings as specified in Sec. 35-119. of this Article. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line, parallel to the nearest lot*

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~~line, drawn through the point of a building or the point of a dwelling group nearest to such lot line. See SETBACK.~~

~~YARD, FRONT: A yard extending across the front of a lot between the inner side yard lines and measured from the front line of the lot to the front line of a building. See SETBACK, FRONT.~~

~~YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building. For the purpose of this Article, the rear yard of an irregular or triangular lot shall be measured from a line at least ten feet long lying entirely within the lot, parallel or most nearly parallel to and most distant from the front line of said lot. See SETBACK, REAR.~~

~~YARD, SIDE: A yard between the side line of the lot and the nearest line of a building, and extending from the front line of the lot to the required rear yard setback line. See SETBACK, SIDE.~~

- 2.16 SECTION 3: The definition of ZONING ADMINISTRATOR is revised to clarify and correct the definition.

~~ZONING ADMINISTRATOR: A position authorized by Section 65900 et seq. of the California Government Code ~~created by ordinance, which that pursuant to this Article and Sec. 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is~~ authorizes authorized as a hearing officer to hear and decide on applications including, but not limited to, Minor Conditional Use Permits, Development Plans, Modifications and Variances, as set forth within this Article and Article V of Chapter 2, of the Santa Barbara County Code.~~

- 2.17 SECTION 4: A definition of ENVIRONMENTAL REVIEW is added since the term is used within Article II.

ENVIRONMENTAL REVIEW: The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.), and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.

- 2.18 SECTION 4: A definition of HABITABLE ROOM is added since that term is used in the definition of DWELLING.

HABITABLE ROOM: A space intended for living, sleeping, eating, or cooking, including but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, fovers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used

for storage, and water closets.

- 2.19 SECTION 4: A definition of HOUSEHOLD PET is added since that term is used in a new proposed permitted use in the Planned Residential Development (PRD) zone district.

HOUSEHOLD PET: Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the occupants of the dwelling. Household pets shall include, but not be limited to, domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but shall not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

- 2.20 SECTION 4: A definition of INTERIOR ACCESS is added since that term is used in the definition of DWELLING.

INTERIOR ACCESS: Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors that are fixed in a closed position or are capable of being fixed in a closed position by a one-way deadbolt or similar device. Access through sleeping rooms, bathrooms and garages is not considered interior access.

- 2.21 SECTION 4: Definitions of LOT WIDTH, GROSS and LOT WIDTH, NET are added since those terms are used in the building site requirements of certain residential zoning districts.

LOT WIDTH, GROSS: The average distance between the side lot lines, measured at right angles to the lot depth, including any area lying within a public street, such public street being defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

LOT WIDTH, NET: The average distance between the side lot lines, measured at right angles to the lot depth, not including any area lying within a public street, such public street being defined as a permanently reserved right-of-way which has been dedicated to the County of Santa Barbara.

- 2.22 SECTION 4: A definition of PERMITTED USE is added since the term is used in the zoning ordinance and to clarify that although a use may be permitted the appropriate permits still must be obtained prior to the commencement of the use.

PERMITTED USE: Uses that are listed within specific zone districts as permitted uses that may be allowed subject to obtaining the necessary approvals and permits as identified in the zone district and this Article.

- 2.23 SECTION 4: A definition of SECONDARY USE is added since the term is used in the zoning ordinance in regards to a residential use being secondary to a commercial use of property (e.g., Section 35-78.5.20).

SECONDARY USE: a) A land use subordinate or accessory to a principal land use. b) When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use.

- 2.24 SECTION 4: New definitions of SETBACK, FRONT, SETBACK, REAR and SETBACK, SIDE are added since the terms are used in the ordinance and to replace the existing corresponding definitions involving the term YARD.

SETBACK, FRONT: An open yard area extending across the front of a lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the front lot line and a line parallel thereto on the lot.

SETBACK, REAR: An open yard area extending across the rear of the lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the rear lot line and a line parallel thereto on the lot.

SETBACK, SIDE: An open yard area extending between the front setback and the rear setback, the width of which is the required minimum setback distance as measured perpendicularly between the side lot lines and a line parallel thereto on the lot.

3. DIVISION 4, ZONING DISTRICTS: Amend Section 35-68.3, Permitted Uses, and Section 35-68.6, Minimum Lot Size, of Section 35-68, AG-I Agriculture I; amend Section 35-69.3, Permitted Uses, and Section 35-69.6, Minimum Lot Size, of Section 35-69, AG-II Agriculture II; amend Section 35-70.3, Permitted Uses, and Section 35-70.6, Minimum Lot Size, of Section 35-70, RR Rural Residential; amend Section 35-71.3, Permitted Uses, Section 35-71.6, Minimum Lot Size, Section 35-71.7, Setbacks for Buildings and Structures, Section 35-71.8, Permitted Variations of Setbacks for Buildings, Section 35-71.9, Distance Required Between Buildings on the Same Building Site, and Section 35-71.12, Animals of Section 35-71, R-1/E-1 Single-Family Residential; amend Section 35-72.3, Permitted Uses, 35-72.6, Minimum Lot Size, Section 35-72.7, Setbacks for Buildings and Structures, Section 35-72.8, Permitted Variations of Setbacks for Buildings, and Section 35-72.9, Distance Required Between Buildings on the Same Building Site; amend Section 35-73.3, Permitted Uses, Section 73.4, Uses Permitted with a Conditional Use Permit, Section 35-73.5, Minimum Lot Size, and Section 35-73.7, Distance Required Between Buildings on the Same Building Site, of Section 35-73, EX-1 One-Family Exclusive Residential; amend Section 35-74.4, Permitted Uses, and Section 35-74.13, Open Space and Landscaping, of Section 35-74, DR Design Residential; amend Section 35-75.7, Permitted Uses, and Section 35-78.5, Uses Permitted With a Conditional Use Permit, of Section 35-75, Planned Residential Development; amend Section 35-78.5, Uses Permitted With a Minor Conditional Use Permit of Section 35-78, C-2 Retail Commercial; delete the text of Section 35-79, C-3 General Commercial; delete the text of Section 35-82, SC Shopping Center; amend Section 35-83.4, Permitted Uses, of Section 35-83, PI Professional and Institutional; delete the text of Section 35-84A, M-S-GOL Service Industrial-Goleta;

delete the text of Section 35-85, M-1 Light Industry; delete the text of Section 35-86, M-2 General Industry; amend Section 35-90.3, Permitted Uses, and Section 35-90.7, Minimum Lot Size of Section 35-90, RES Resource Management; delete the text of Section 35-102B, Growth Management Overlay (GMO).

3.1 **SECTION 5:** Amend Section 35-68.3, Permitted Uses, of Section 35-68, Agriculture I, to:

3.1.1 Amend Section 35-68.3.4 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).

4. ~~*Sale of agricultural products produced on the premises pursuant to the provisions of Sec. 35-131 (Agricultural Sales). If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right of way line of any street.*~~

3.1.2 Amend Section 35-68.3.7 and Section 35-68.3.8 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.

7. *One guest house or artist studio per legal lot subject to the provisions of Sec. 35-120 (General Regulations) and accessory to the primary residential use of the same lot.*

8. *Home occupations, subject to the provisions of Sec. 35-121 (General regulations) and accessory to a residential use of the same lot.*

3.1.3 Amend Section 35-68.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.

11. ~~*Accessory uses, buildings, and structures which are customarily incidental to the above uses*~~ *Uses, buildings and structures accessory and customarily incidental to the above uses.*

3.2 **SECTION 6:** Amend Section 35-68.6 of Section 35-68, Agriculture I, to re-title the section as Minimum Lot Area, clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, amend the existing table to refer to minimum lot area, and clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area.

**Sec. 35-68.6. Minimum Lot Size Area.**

1. *Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.*

| Zoning Symbol | Minimum Gross Lot Size Area (acres) |
|---------------|-------------------------------------|
| AG-I-5        | 5 acres                             |
| AG-I-10       | 10 acres                            |
| AG-I-20       | 20 acres                            |
| AG-I-40       | 40 acres                            |

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-68.6.1 unless such lot is a fraction lot.~~

3.3 SECTION 7: Amend Section 35-69.3, Permitted Uses, of Section 35-69, Agriculture II, to:

- 3.3.1 Amend Section 35-69.3.2 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).

2. ~~Sale of agricultural products produced on the premises pursuant to the provisions of Sec. 35-131 (Agricultural Sales). If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right of way line of any street.~~

- 3.3.2 Amend Section 35-69.3.6 and Section 35-69.3.10 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.

6. One guest house or artist studio per legal lot subject to the provisions of Sec. 35-120 (General Regulations) and accessory to the primary residential use of the same lot.

10. Home occupations, subject to the provisions of Sec. 35-121 (General regulations) and accessory to a residential use of the same lot.

- 3.3.3 Amend Section 35-69.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.

11. ~~Accessory uses, buildings, and structures which are customarily incidental to the above uses~~ Uses, buildings and structures accessory and customarily incidental to the above uses.

- 3.4 SECTION 8: Amend Section 35-69.6 of Section 35-69, Agriculture II, to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) amend the existing table to refer to

minimum lot area, and (4) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area.

**Sec. 35-69.6. Minimum Lot Size Area.**

1. *Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.*

| <i>Zoning Symbol</i> | <i>Minimum Gross Lot Size Area (acres)</i> |
|----------------------|--|
| <i>AG-II-40</i>      | <i>40 acres</i>                            |
| <i>AG-II-100</i>     | <i>100 acres</i>                           |
| <i>AG-II-320</i>     | <i>320 acres</i>                           |

2. *A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-69.6.1 unless such lot is a fraction lot.*

3.5 **SECTION 9:** Amend Section 35-70.3, Permitted Uses, of Section 35-70, Rural Residential, to:

- 3.5.1 Amend Section 35-70.3.3 to reference, in regards to the sale of agricultural products, the new proposed Agricultural Sales section of the General Regulations of Article II (see SECTION 46).

3. *Sale of agricultural products produced on the premises pursuant to the provisions of Sec. 35-131 (Agricultural Sales). If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding six hundred (600) square feet of sales area and located no closer than twenty (20) feet to the right of way line of any street.*

- 3.5.2 Amend Section 35-70.3.5 and Section 35-70.3.6 to specify that guest houses, artist's studios and home occupations shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.

5. *One guest house or artist studio per legal lot subject to the provisions of Sec. 35-120 (General Regulations) and accessory to the primary residential use of the same lot.*

6. *Home occupations, subject to the provisions of Sec. 35-121 (General regulations) and accessory to a residential use of the same lot.*

- 3.5.3 Amend Section 35-70.3.8 to revise the applicable subsections since the numbering of that section is proposed to be changed (see SECTION 16).

8. *The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12., subsections ~~2., 3. and 4.~~ 3. through 9., only (Animals).*

3.5.4 Amend Section 35-70.3.11 to standardize the language regarding allowance for uses, buildings and structures accessory to a permitted use.

11. *~~Accessory uses, buildings, and structures which are customarily incidental to the above uses~~ Uses, buildings and structures accessory and customarily incidental to the above uses.*

3.6 **SECTION 10:** Amend Section 35-70.6 to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to gross lot width and move this to the table, (4) amend the existing table to refer to minimum lot area and gross lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less gross lot width than normally required if it is a legal lot (see definition of LOT).

**Sec. 35-70.6. Minimum Lot Size Area.**

1. *Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~gross~~ lot width of 250 feet and a minimum ~~gross~~ lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.*

| <i>Zoning Symbol</i> | <i>Minimum <u>Gross</u> Lot Size Area (acres)</i> | <i>Minimum Gross Lot Width (feet)</i> |
|----------------------|---|---------------------------------------|
| <i>RR-5</i>          | <i>5 acres</i>                                    | <i>250</i>                            |
| <i>RR-10</i>         | <i>10 acres</i>                                   | <i>250</i>                            |
| <i>RR-15</i>         | <i>15 acres</i>                                   | <i>250</i>                            |
| <i>RR-20</i>         | <i>20 acres</i>                                   | <i>250</i>                            |
| <i>RR-40</i>         | <i>40 acres</i>                                   | <i>250</i>                            |
| <i>RR-100</i>        | <i>100 acres</i>                                  | <i>250</i>                            |

2. *A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-70.6.1 unless such lot is a fraction lot.*

3. *A dwelling may be located upon a lot with less width than required in Sec. 35-70.6.1.*

3.7 **SECTION 11:** Amend Section 71.3, Permitted Uses, of Section 35-71, R-1/E-1 Single Family Residential, to:

- 3.7.1 Amend Section 35-71.3.2, Section 35-71.3.3 and Section 35-71.3.6 to specify that guest houses, artists studios, home occupations and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a

structure or use cannot be allowed without an existing primary residence.

2. *One guest house and one artist studio subject to the provisions in Sec. 35-120. (General Regulations) and accessory to the primary residential use of the same lot.*
3. *Home occupations subject to the provisions of Sec. 35-121. (General Regulations) and accessory to a residential use of the same lot.*
6. *The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of this Section Sec. 35-71.12.*

3.7.2 Amend Section 35-71.3.5 to re-format the requirements regarding greenhouses, etc.

5. *Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet and used only for the propagation and cultivation of plants and provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:*
  - a. *The structure is accessory to either a residential or agricultural use of the same lot.*
  - b. *The structure shall not exceed a gross floor area of 300 square feet.*
  - c. *The structure is used only for the propagation and cultivation of plants.*
  - d. *No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.*

3.7.3 Amend Section 35-71.3.10 to clarify the language regarding allowance for uses, buildings and structures accessory to a permitted use.

10. *Uses, buildings, and structures accessory and customarily incidental to residential units, the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involving involve the maintenance of a commercial enterprise on the premises.*

3.8 **SECTION 12:** Amend Section 35-71.6 to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to net lot width and move this to the accompanying table, (4) amend the existing table to refer to minimum lot area and net lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less lot width than normally required if it is a legal lot (see definition of LOT).

**Sec. 35-71.6. Minimum Lot Size Area.**

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~net~~ lot width and a minimum lot area, as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

| Zoning Symbol | Minimum Lot Size Area | Minimum Net Lot Width (ft.) |
|---------------|-----------------------|-----------------------------|
| 7-R-1         | 7,000 sq. ft. (net)   | 65                          |
| 8-R-1         | 8,000 sq. ft. (net)   | 75                          |
| 10-R-1        | 10,000 sq. ft. (net)  | 80                          |
| 12-R-1        | 12,000 sq. ft. (net)  | 80                          |
| 15-R-1        | 15,000 sq. ft. (net)  | 90                          |
| 20-R-1        | 20,000 sq. ft. (net)  | 100                         |
| 1-E-1         | 1 acre (gross)        | 120                         |
| 2-E-1         | 2 acres (gross)       | 150                         |
| 3-E-1         | 3 acres (gross)       | 210                         |
| 5-E-1         | 5 acres (gross)       | 270                         |
| 10-E-1        | 10 acres (gross)      | 380                         |

2. ~~A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-71.6.1 unless such lot is a fraction lot.~~
3. ~~A dwelling may be located upon a lot with less width than required in Sec. 35-71.6.1.~~

- 3.9 **SECTION 13:** Amend Section 35-71.7, Setbacks for Buildings and Structures, to clarify the setback requirements based on minimum lot area requirements.

**Sec. 35-71.7. Setbacks for Buildings and Structures.**

1. Front: ~~Fifty (50) feet from the centerline and twenty (20) feet from the right-of-way line of any street except that when the property fronts on a private roadway easement serving or having the potential to serve five or more parcels lots the setback shall be twenty (20) feet from the easement line.~~
2. Side: On each side of the lot, ~~ten~~ 10 percent of the width of the lot, except:
  - a. For lots ~~zoned 2-E-1~~ that have a minimum lot area requirement of two acres or less, in no case shall the required side ~~yard~~ setback be less than five (5) feet nor more than ~~ten (10) feet~~.
  - b. For lots ~~zoned 3-E-1~~ that have a minimum lot area requirement of three acres or more, in no case shall the required side ~~yard~~ setback be less than ~~ten (10) feet~~ nor more than ~~twenty (20) feet~~.
3. Rear: ~~Twenty five (25) feet or fifteen (15) feet if the rear yard abuts a permanently dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.~~

3.10 **SECTION 14:** Amend Section 35-71.8 of Section 35-71, R-1/E-1 Single-Family Residential, to clarify how side and rear setback variations are calculated.

**Sec. 35-71.8. Permitted Variations of Setbacks for Buildings.**

1. *Side:* The required side yard setback for portions of a building may be varied subject to all of the following limitations:
  - a. No portion of the building shall be less than five (5) feet from the side lines of the lot.
  - b. No portion of ~~a~~ an exterior wall of a building containing non-fixed windows or doors opening into rooms of a building (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side yard setback prior to any variation allowed by subsection c. below.
  - c. ~~Where the side of the building is parallel to the side property line, the average distance of the building from the side line of the lot shall equal the required side yard setback. Said average distance shall be computed by multiplying the length of the various segments of the appropriate side of the building by their corresponding distances from the side property line and dividing the sum of the products by the total length of the building. Where the side of the building is not parallel to the side property line, the area of the building located inside the side yard setback shall be compensated by an equal or greater area within the segment of the side of the building located outside of the side yard setback and the side yard setback line.~~  
A portion of a building may be located within the required side setback provided that the footprint area of the portion of the building that intrudes into the required side setback shall be compensated by an equal or greater area that is not covered by any building footprint area located outside of and adjacent to the same side setback and the side setback line. The compensating area shall not be located farther from the adjacent side lot line than one-half of the lot width.
  - d. The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.
2. *Rear:* The required rear yard setback for a portion of a building may be varied subject to all of the following limitations:
  - a. No portion of a building used for dwelling purposes shall be closer than fifteen (15) feet to the rear line of the lot.
  - b. ~~Where the rear of the building is parallel to the rear property line, the average distance of the building from the rear property line shall equal the required rear yard setback. Said average distance shall be computed by multiplying the length of the various segments of the rear of the building by their corresponding distances from the rear property line and dividing the sum of the products by the total width of the rear of the building. Where the rear of the building is not parallel to the rear property line, the area of the building located inside the rear yard setback shall be compensated by an equal or greater area within the segment of the rear of the building located outside of the rear yard setback and the~~

~~rear yard setback line.~~

A portion of a building may be located within the required rear setback provided that the footprint area of the portion of the building that intrudes into the required rear setback shall be compensated by an equal or greater area that is not covered by any building footprint area located outside of and adjacent to the rear setback and the rear setback line. The compensating area used to vary a rear setback shall not be located farther from the rear lot line than one-half of the lot depth.

c. The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

- 3.11 SECTION 15: Amend Section 35-71.9 of Section 35-71, R-1/E-1 Single-Family Residential, to clarify those structures between which a minimum distance must be maintained.

***Sec. 35-71.9. Distance Required Between Buildings on the Same Building Site.***

*The minimum distance between a ~~building designed or used for human habitation dwelling or guest house~~ and any other detached building or structure on the same building site shall be five (5) feet*

- 3.12 SECTION 16: Amend Section 35-71.12, Animals, of Section 35-71, R-1/E-1 Single Family Residential, to:

3.12.1 Amend Section 35-71.12.1 to specify that animal keeping is accessory to the primary residential use of the property.

1. Animal keeping allowed pursuant to this section shall be accessory<sup>1</sup> to a residential use of a dwelling located on the lot on which the animal keeping occurs.

3.12.2 Amend Section 35-71.12.2 to allow for animal husbandry projects (e.g., 4H, FFA) involving small animals to occur on lots located outside of the Montecito Planning Area that have a minimum net lot area of 10,000 square feet provided they are confined to any area located no closer than 40 feet to any dwelling on another lot.

2. Not to exceed one horse, mule, goat, cow, hog, or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not more than ~~three~~ (3) swine or five such other animals shall be permitted on any lot. In no case shall said animals be kept for commercial purposes. However, on lots not located within the Montecito Planning Area, one small hoofed animal (e.g., goat, pig, sheep, etc.), excluding cattle and horses, may be kept on a lot as a current and certified (or otherwise documented) 4-H, Future Farmers of America or similar organization official project may be allowed provided the following standards are adhered to:

- a. The lot shall have a minimum net lot area of 10,000 square feet.
- b. On any lot less than one acre (gross) in size, project animals shall be confined to a stable, barn or other animal enclosure (e.g., paddock, corral, pen or fenced area) that is located no closer than 40 feet to any dwelling on another lot.

3.12.3 Amend Section 35-71.12.4 (renumbered as 5.) to clarify that animals permitted as small animals must be non-hoofed so as not to conflict with the keeping of goats and sheep allowed under Section 35-71.12.2, and to only allow the keeping of roosters and peacocks on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger, except within the Montecito Planning Area where this restriction would not apply.

45. Small non-hoofed animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:
  - a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
  - b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department.
  - c. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.
  - d. No rooster or peacock shall be kept or raised in a residential zoning district except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger. This shall not apply to lots located within the Montecito Planning Area.

3.12.4 Amend Section 35-71.12 to add several new development standards for animal keeping in regards to odor and vector control, storage and disposal of manure, erosion and sedimentation control, and drainage.

6. Odor and vector control: All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
7. Storage and disposal of manure: Persons keeping livestock in enclosed corrals or barns, rather than open pastures, shall remove and store or dispose of manure to prevent unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals, or contamination of surface or subsurface water quality.
8. Erosion and sedimentation control: In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the

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event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Sec. 35-185 (Enforcement).

9. Drainage: Where livestock are kept in enclosed corrals or barns, provision shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.

3.13 SECTION 17: Amend Section 35-72.3, Permitted Uses, of Section 35-72, R-2 Two-Family Residential, to:

3.13.1 Renumber Section 35-72.3.3 as Section 35-72.3.8 to place correctly in the list of permitted uses.

8. Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

3.13.2 Amend Section 35-72.3.4 (renumbered as 3.) to specify that that home occupations must be accessory to the primary residential use of the property.

4. Home occupations subject to the provisions of Sec. 35-121. (General Regulations) and accessory to a residential use of the same lot.

3.13.3 Amend Section 35-72.3.6 to re-format the requirements regarding greenhouses, etc.

6. Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet and used only for the propagation and cultivation of plants and provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:

a. The structure is accessory to either a residential or agricultural use of the same lot.

b. The structure shall not exceed a gross floor area of 300 square feet.

c. The structure is used only for the propagation and cultivation of plants.

d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

3.13.4 Amend Section 35-72.3.7 (renumbered as 6.) to specify that that animal keeping must be accessory to the primary residential use of the property.

76. *The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Sec. 35-71.12: (R-1, Animals).*

3.14 **SECTION 18:** Amends Section 35-72.6 of Section 35-72, R-2 Two-Family Residential, to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to net lot width and net lot area and move these to the accompanying table, (4) amend the existing table to refer to minimum net lot area and net lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) provide that a dwelling may be located on a lot with less lot width than normally required if it is a legal lot (see definition of LOT).

**Sec. 35-72.6. Minimum Lot Size Area.**

1. *Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum ~~net~~ lot width and a minimum ~~net~~ lot area, as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.*

| Zoning Symbol | Minimum Net Lot Size Area (sq. ft.) | Minimum Net Lot Width (ft.) |
|---------------|-------------------------------------|-----------------------------|
| 7-R-2         | 7,000                               | 65                          |
| 8-R-2         | 8,000                               | 75                          |
| 10-R-2        | 10,000                              | 80                          |
| 12-R-2        | 12,000                              | 80                          |
| 15-R-2        | 15,000                              | 90                          |
| 20-R-2        | 20,000                              | 100                         |
| 30-R-2        | 30,000                              | 110                         |

2. *~~Dwellings may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area than required in Sec. 35-72.6.1 unless such lot is a fraction lot.~~*

3. *~~A dwelling may be located upon a lot with less width than required in Sec. 35-72.6.1.~~*

3.15 **SECTION 19:** Amend Section 35-72.7, Setbacks for Buildings and Structures, of Section 35-72, Two-Family Residential, to delete the redundant numbering.

**Sec. 35-72.7. Setbacks for Buildings and Structures.**

1. *Front: ~~Fifty (50) feet from the centerline and twenty (20) feet from the right-of-way line of any street except that when the property fronts on a private roadway easement serving or having the potential to serve five or more parcels~~ lots the setback shall be ~~twenty (20) feet from the easement line.~~*

2. *Side: On each side of the lot, ~~ten~~ 10 percent of the width of the lot but in no case shall the required side ~~yard~~ be less than five (5) feet nor more than ~~ten (10) feet.~~*

3. *Rear: ~~Twenty five (25) feet or fifteen (15) feet if the rear yard abuts a permanently~~*

*dedicated open space or a street to which access has been denied as part of an approved subdivision or other approved development permit.*

- 3.16 SECTION 20: Amend Section 35-72.7, Permitted Variations of Setbacks for Buildings, of Section 35-72, Two-Family Residential, to delete the existing language (which was the same as in Section 35-71.8, Single-Family Residential, Permitted Variations of Setbacks for Buildings) and instead just refer to the language in Section 35-71.8.

**Sec. 35-72.8. Permitted Variations of Setbacks for Buildings.**

As provided for in Sec. 35-71.8.

1. ~~Side: The required side yard setback for portions of a building may be varied subject to all of the following limitations:~~

- a. ~~No portion of the building shall be less than five (5) feet from the side lines of the lot.~~
- b. ~~No portion of a wall containing windows opening into rooms of a building (except a garage) shall be closer to the side lines of a lot than the required side yard setback.~~
- c. ~~Where the side of the building is parallel to the side property line, the average distance of the building from the side line of the lot shall equal the required side yard setback. Said average distance shall be computed by multiplying the length of the various segments of the appropriate side of the building by their corresponding distances from the side property line and dividing the sum of the products by the total length of the building.~~

~~Where the side of the building is not parallel to the side property line, the area of the building located inside the side yard setback shall be compensated by an equal or greater area within the segment of the side of the building located outside of the side yard setback and the side yard setback line.~~

2. ~~Rear: The required rear yard setback for a portion of a building may be varied subject to all of the following limitations:~~

- a. ~~No portion of a building used for dwelling purposes shall be closer than fifteen (15) feet to the rear line of the lot.~~
- b. ~~Where the rear of the building is parallel to the rear property line, the average distance of the building from the rear property line shall equal the required rear yard setback. Said average distance shall be computed by multiplying the length of the various segments of the rear of the building by their corresponding distances from the rear property line and dividing the sum of the products by the total width of the rear of the building.~~

~~Where the rear of the building is not parallel to the rear property line, the area of the building located inside the rear yard setback shall be compensated by an equal or greater area within the segment of the rear of the building located outside of the rear yard setback and the rear yard setback line.~~

- 3.17 SECTION 21: Amend Section 35-72.8 of Section 35-72, R-2 Two-Family Residential, to clarify those structures between which a minimum distance must be maintained.

**Sec. 35-72.8. Distance Required Between Buildings on the Same Building Site.**

*The minimum distance between a building designed or used for human habitation dwelling and any other detached building or structure on the same building site shall be five (5) feet.*

3.18 **SECTION 22:** Amend Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 One-Family Exclusive Residential, to:

3.18.1 Amend Section 35-73.3.2, Section 35-73.3.7 and Section 73.3.8 to specify that guest houses, artists studios, home occupations and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.

2. *One guest house or artist studio, subject to the provisions in Sec. 35-120 (General Regulations) and accessory to the primary residential use of the same lot.*

7. *The keeping of animals and poultry subject to the provisions of Sec. 35-71.12 and accessory to the primary residential use of the same lot.*

8. *Home occupations subject to the provisions of Sec. 35-121. (General Regulations) and accessory to a residential use of the same lot.*

3.18.2 Amend Section 35-73.3.6 to re-format the requirements regarding greenhouses, etc.

6. *Greenhouses, hothouses, and other plant protection structures ~~not exceeding 300 square feet and used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith~~ subject to all of the following:*

*a. The structure is accessory to either a residential or agricultural use of the same lot.*

*b. The structure shall not exceed a gross floor area of 300 square feet.*

*c. The structure is used only for the propagation and cultivation of plants.*

*d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.*

3.18.3 Amend Section 35-73.3.11 to clarify the language regarding allowance for uses, buildings and structures accessory to a permitted use.

11. *~~Uses, buildings, and structures customarily incidental to residential units and not involving the maintenance of a commercial enterprise on the premises.~~*

*Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and*

structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

- 3.19 **SECTION 23:** Amend Section 35-73.4, Uses Permitted with a Conditional Use Permit, of Section 35-73, EX-1 One-Family Exclusive Residential, to (1) clarify that the conditionally permitted uses listed in Section 35-172, the conditional use permit section of the permit processing division, do not apply to the EX-1 zone district, and (2) to specify, similar to the existing requirements of the Article III EX-1 zone district, that there can be no advertising signs, commercial display room, or sales stand is maintained in connection with a greenhouse permitted under this section.

**Sec. 35-73.4. Uses Permitted with a Conditional Use Permit.**

~~Only the following uses and no other uses whatsoever may be permitted by Conditional Use Permit pursuant to the procedures set forth in Sec. 35-172. (Conditional Use Permits).~~

The following uses may be permitted with a conditional use permit pursuant to the procedures set forth in Sec. 35-172 (Conditional Use Permits). The uses permitted with a conditional use permit as listed in Sec. 35-172 may not be permitted with a conditional use permit in the EX-1 zoning district.

1. Major Conditional Use Permits.
    - a. Club.
    - b. Educational institution for mentally normal persons.
    - c. Electric substations subject to regulations of the PU-Public Utilities District, Sec. 35-88.
    - d. Animals, use of property for animals in excess of the number permitted in this district.
  2. Minor Conditional Use Permits.
    - a. Greenhouses, hothouses, and other plant protection structures in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
    - b. One Detached Residential Second Unit, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-142A (Detached Residential Second Units) and DIVISION 11, PERMIT PROCEDURES, Sec. 35-172 (Conditional Use Permits).
    - c. Private kennels.
- 3.20 **SECTION 24:** Amend Section 35-73.5, Minimum Lot Size, of Section 35-73, EX-1 One-Family Exclusive Residential, to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to gross in regards to lot width and gross lot area and move this term to the accompanying table, (4) amend the existing table to refer to minimum gross lot area and gross lot width, (5) clarify the language regarding when a dwelling may be located on a lot smaller than the normally required minimum lot area, and (6) re-number

the existing section that provides when a dwelling may be located on a lot with less lot width than normally (see definition of LOT).

**Sec. 35-73.5. Minimum Lot Size Area.**

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a gross lot area and a gross lot width as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

| Zoning Symbol | Minimum Gross Lot Area (acres) | Minimum Gross Lot Width (ft.) |
|---------------|--------------------------------|-------------------------------|
| 1.5-EX-1      | 1.5 acres                      | 150 feet                      |
| 2.5-EX-1      | 2.5 acres                      | 200 feet                      |
| 3.5-EX-1      | 3.5 acres                      | 225 feet                      |

2. ~~For the purpose of this Section "lot width" is defined as the distance between the side lines of the lot measured at the front setback line of the main dwelling provided, however, that as to lots having no front setback line, lot width shall be the average distance between the side lines of the lot most nearly perpendicular to the nearest street, omitting easements or lot extensions necessary to gain access to such lots. A dwelling may be located upon a lot with less area than required in Sec. 35-73.5.1 unless such lot is a fraction lot.~~
3. ~~Dwellings may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less width than required in Sec. 35-73.5.1. For the purpose of this section "lot width" is defined as the distance between the side lines of the lot measured at the front setback line of the main dwelling provided, however, that as to lots having no front setback line, lot width shall be the average distance between the side lines of the lot most nearly perpendicular to the nearest street, omitting easements or lot extensions necessary to gain access to such lots.~~

3.21 **SECTION 25:** Amend Section 35-73.7, Distance Required Between Buildings on the Same Building Site, of Section 35-73, EX-1 One-Family Exclusive Residential, to clarify those structures between which a minimum distance must be maintained.

**Sec. 35-73.7 Distance Required Between Buildings on the Same Building Site.**

~~The minimum distance between buildings designed or used for human habitation dwellings, or between a dwelling and a guest house, on the same building site shall be fifty (50) feet. The minimum distance between a building designed or used for human habitation dwelling or guest house and any other detached building on the same building site shall be 10 feet if the detached building is one story or 15 feet if the detached building is two story stories.~~

3.22 **SECTION 26:** Section 35-74.4, Permitted Uses, of Section 35-74, DR Design Residential, to:

3.22.1 Amend Section 35-74.4.6 and Section 35-74.4.7 to specify that home occupations

and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a use cannot be allowed without an existing primary residence.

6. *Home occupations, subject to the provisions of Sec. 35-121. (General Regulations) and accessory to a residential use of the same lot.*

7. ~~The following uses are permitted, subject to the regulations set forth in the R-1/E-1 district:~~

~~a. Keeping of animals.~~

~~b. Greenhouses, hothouses, and other plant protection structures.~~

The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Sec. 35-419.12 (R-1/E-1 Animals).

3.22.2 Amend Section 35-74.4.8 to list the referenced regulations of the R-1/E-1 Single-Family zone district.

8. Greenhouses, hothouses, and other plant protection structures subject to all of the following:

a. The structure is accessory to either a residential or agricultural use of the same lot.

b. The structure shall not exceed a gross floor area of 300 square feet and.

c. The structure is used only for the propagation and cultivation of plants.

d. No advertising sign, commercial display room, or sales stand is maintained on the same lot in connection therewith.

3.22.3 Amend Section 35-74.4.10 to clarify the language regarding allowance for uses, buildings and structures accessory to a permitted use.

~~10. Uses, buildings, and structures incidental, accessory and subordinate to permitted uses and not involving the maintenance of a commercial enterprise on the premises.~~

Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.

3.23 SECTION 27: Amend Section 35-74.13.3 of Section 35-74, DR Design Residential, to clarify the scope of the uses that are allowed in the common open space areas associated with a DR residential development.

3. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be held by a non-profit association of all homeowners within the project area, or by any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may

prescribe. Which Said reasonable terms and conditions may include conveying to the County of Santa Barbara restricting the rights to develop such property with anything except open space or noncommercial recreation to those uses described in the approved Final Development Plan for the project area. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas.

3.24 SECTION 28: Amend Section 35-75.7, Permitted Uses, of Section 35-75, Planned Residential Development, to (1) allow for the keeping of household pets subject to certain restrictions (see SECTION 4, definition of HOUSEHOLD PET), and (2) to revise the language regarding accessory uses, etc., to make it consistent with other zone districts.

8. The keeping of household pets accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs provided that:

a. There shall not be more than three dogs permitted on any one lot.

b. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

c. The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Animal Services Division of the County Public Health Department.

d. Enclosures for such small animals shall be no closer than 25 feet to any dwelling located on another lot.

e. No rooster or peacock shall be kept or raised on the lot.

9. Accessory uses, buildings and structures which are incidental, and subordinate to permitted uses. Uses, buildings, and structures accessory and customarily incidental to the above uses.

3.25 SECTION 29: Amend subparagraphs 16 and 18 of Section 35-78.5, Uses Permitted With a Minor Conditional Use Permit, of Section 35-78, C-2 Retail Commercial, to (1) delete the existing footnote regarding trailers and move the language into subparagraphs 16 and 18, and, (2) specific to subparagraph 18, clarify that trailer rentals are allowed with a minor conditional use permit in addition to truck rentals.

*Sec. 35-78.5. Uses Permitted With a Minor Conditional Use Permit.*

16. *Sales or storage lot for trailers<sup>\*</sup>, including trailers used for carrying property, and recreational vehicles.*

18. *Trailer<sup>\*</sup> rentals, including trailers used for carrying property, and truck rentals.*

*\* For the purpose of this section, the word "trailer" shall include, in addition to the trailers already included in the definition of trailer in Sec. 35-58, trailers used for carrying property.*

3.26 SECTION 30: Delete the text of Section 35-79, C-3 General Commercial, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.

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- 3.27 SECTION 31: Delete the text of Section 35-82, SC Shopping Center, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.28 SECTION 32: Amend Section 35-83.4, Permitted Uses, of Section 35-83, PI Professional and Institutional, to add athletic clubs as a permitted use in the PI zone district.
- Sec. 35-83.4. Permitted Uses.*
10. Athletic clubs.
- 3.29 SECTION 33: Delete the text of Section 35-84A, M-S-GOL Service Industrial-Goleta, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.30 SECTION 34: Delete the text of Section 35-85, M-1 Light Industry, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.31 SECTION 35: Delete the text of Section 35-86, M-2 General Industry, since there is no longer any land zoned to this district due to the incorporation of the City of Goleta.
- 3.32 SECTION 36: Amend Section 35-90.3, Permitted Uses, of Section 35-90, RES Resource Management, to:
- 3.32.1 Amend Section 35-90.3.2 and Section 35-90.3.3 to specify that guest houses and animal-keeping shall be accessory to the primary residential use of a lot. This is to clarify that such a structure or use cannot be allowed without an existing primary residence.
2. *One guest house subject to the provisions of Sec. 35-120 (General Regulations) and accessory to the primary residential use of the same lot.*
3. *The non-commercial keeping of animals and poultry accessory to the primary residential use located on the same lot.*
- 3.32.2 Add a new Section 35-90.3.5 that would add, as a permitted use, uses, buildings and structures accessory and customarily incidental to the existing list of permitted uses as a permitted use.
5. Uses, buildings and structures accessory and customarily incidental to the above uses.
- 3.33 SECTION 37: Amend Section 35-90.7, Minimum Lot Size, of Section 35-90, RES Resource Management, to (1) re-title the section as Minimum Lot Area, (2) clarify that accessory uses and structures are subject to the minimum lot area required for the primary dwelling, (3) delete the reference to gross in regards to lot area and move this term to the accompanying table, (4) amend the existing table to refer to minimum gross lot area, and (5) clarify the language regarding when a dwelling may be located on a lot smaller than the

normally required minimum lot area.

**Sec. 35-90.7. Minimum Lot Size Area.**

1. Each lot shall have a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

| Zoning Symbol | Minimum Gross Lot Size Area (acres) |
|---------------|-------------------------------------|
| RES-40        | 40 acres                            |
| RES-100       | 100 acres                           |
| RES-320       | 320 acres                           |

2. A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots. A dwelling may be located upon a lot with less area in size than required in Sec. 35-90.7.1 unless such lot is a fraction lot.

3.34 **SECTION 38:** Delete the text of Section 35-102B, Growth Management Overlay (GMO) district since the majority of the property zoned to this overlay is within the jurisdictional boundaries of the City of Goleta and that the Board of Supervisors repealed the Goleta Growth Management Ordinance for the balance of the unincorporated area on July 6, 2002.

4. **DIVISION 7, GENERAL REGULATIONS:** Amend Section 35-119, Accessory Structures; amend Section 35 120, Guest House, Artist Studio, or Pool House/Cabaña; amend Section 35 121, Home Occupations; amend Section 35-123, Fences, Walls and Gateposts; amend Section 35-124, Vision Clearance; amend Section 35 125, General Setback Regulations; amend Section 35 126, Through, Corner, Interior and Odd-Shaped Lots; amend Section 35 131, Temporary Tract Offices in Subdivisions, by replacing it with a new section titled Agricultural Sales; amend Section 35 132, Trailer Use; amend Section 35 137, Temporary Second Dwellings, by replacing it with a new section titled Temporary Uses; amend Section 35-142, Residential Second Unit; amend Section 35-142, Residential Second Unit; add a new Section 35-144I, Wildlife Species Rehabilitation.

4.1 **SECTION 39:** Amend Section 35-119, Accessory Structures, to:

4.1.1 Amend Section 35-119.2 to clarify that in non-agricultural zone districts, accessory structures and uses may be commenced prior to the construction or use of the primary structure provided the accessory structures or uses are accessory to an existing principal use of the property.

2. Except in Agricultural zone districts, no accessory structures shall be constructed on a lot until construction of the principal structure has begun and no accessory structure shall be used unless the principal structure on the lot is also being used, or the principal use has been established and

commenced.

4.1.2 Amend Section 35-119.3, Section 35-119.4, Section 35-119.5 and Section 35-119.6 to replace the term “yard” with “setback.” Also, specific to Section 35-119.5, amend the language to specify that the prohibition against located an accessory structure closer to an adjacent street than the primary structure is located only applies to corner lots that are less than 100 feet in width.

3. *An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, ~~yard~~ setback, and height requirements applicable to the principal structure.*
4. *Accessory structures shall conform to the height requirements and front and side ~~yard~~ setback regulations of the district. An accessory structure may be located in the required rear ~~yard~~ setback provided that it is located no closer than ~~ten~~ (10) feet to the principal structure and that it occupies no more than 40 percent of the required rear ~~yard~~ setback, and that it does not exceed a height of ~~twelve~~ (12) feet.*
5. *No accessory structure on a corner lot having a width of less than 100 feet shall be located closer to the ~~street right-of-way or centerline~~ front line of the lot than the principal building on that lot, nor within any side or front ~~yard~~ setback.*
6. *For a corner lot backing on a key lot, an accessory structure shall be setback from the rear property line by a distance equal to the side ~~yard~~ setback requirement applicable to the key lot.*

4.1.3 Amend Section 35-119.3 to clarify the existing language.

7. *Agricultural accessory structures which serve as a primary place of employment or which are used by the public may include a bathroom and wetbar area, provided that prior to the issuance of a coastal development permit for said structure, a Notice to Property Owner is recorded by the property owner that specifies the allowable use(s) of said structure. For all other accessory structures, ~~plumbing devices shall be limited to toilets and wash basins~~ may be allowed, and however no bathing facilities or wetbars shall be allowed.*

4.1.4 Amend Section 35-119.9 to add language that allows the Director of Planning and Development to determine when an accessory structure constitutes a dwelling to provide a mechanism whereby a permit may be denied if the proposed development too closely resembles an additional dwelling unit that would be inconsistent with the zone district requirements.

9. *Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabañas, unless specifically permitted for such use. An accessory building or structure, or portion thereof, including guest houses, artist studios and cabanas, may be*

determined to constitute a dwelling by the Director when it is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of bathing facilities, closets, countertops or cupboards, dishwashers, exterior entrances, exterior staircases, garbage disposals, interior locking doors, separate addresses/mail box designations, separate balconies, decks, patios or yards, separate cable lines, phone lines or utility lines, separate carports, garages or parking areas (covered or uncovered), sleeping lofts, toilets, and sinks or bar sinks. Issuance of a building permit or other approval does not, of itself, establish that a building or portion thereof is not a dwelling unit. Said determination by the Director is considered a decision that may be appealed pursuant to Sec. 35-182.2 (Appeals to the Planning Commission). If, after appeal to the Planning Commission and, if required, the Board of Supervisors the determination that the accessory building or structure, or portion thereof constitutes a dwelling is maintained, then the dwelling may be subject to an enforcement action pursuant to Sec. 35-185 (Administration – Enforcement, Legal Procedures and Penalties) as appropriate.

4.1.5 Amend Section 35-119.11 to change the word “parcels” to “lots.”

11. *Additional requirements, identified in DIVISION 15 (Montecito Community Plan Overlay), exist for those ~~parcels~~ lots identified with the MON overlay zone.*

4.2 **SECTION 40:** Amend Section 35-120, Guest House, Artist Studio, or Pool House/Cabaña, to (1) eliminate references to pool house, (2) specify that such structures are limited to 16 feet in height and that a loft counts as a story, and (3) specify that commercial sales and transactions may only occur in an artist studio in conjunction with an issued coastal development permit for a home occupation.

**Sec. 35-120. Guest House, Artist Studio, ~~or~~ and Pool House Cabaña**

1. *Accessory structures used as guest houses, artist studios, or cabañas ~~must~~ shall conform to criteria set forth in this section and as defined by ordinance.*
2. *No guest house shall be located on a lot containing less than one (1) gross acre.*
3. *There shall not be more than one (1) guest house or one artist studio on any lot. There shall be not more than one (1) cabaña on any lot.*
4. *The floor area of such guest house, artist studio, or ~~pool house/cabaña~~ shall not exceed 800 square feet; however, such structures may be attached to another accessory structure so that the total area of the combined structures exceeds 800 square feet as, provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure.*
5. *No guest house, artist studio, or cabañas shall exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. Such story A guest house, artist studio, or cabaña may be located above or below another accessory structure.*

6. *There shall be no kitchen or cooking facilities within a guest house, artist studio, or cabaña. However, a wet bar may be provided, limited to the following features:*
  - a. *A counter area with a maximum length of seven 7 feet.*
  - b. *The counter area may include a bar sink and an under-counter refrigerator.*
  - c. *The counter area may include an overhead cupboard area not to exceed seven 7 feet in length.*
  - d. *The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four 4 feet in depth. The seven 7 foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.*
  - e. *No cooking facilities shall be included in the wet bar area.*
7. *Guest houses and cabañas may contain bathrooms as defined by ordinance. However, ~~in artist studios, plumbing facilities shall be limited to those required for a wetbar, if provided, and/or restroom containing a toilet and wash basin. No bathing facilities shall be permitted in artist studios.~~ An artist studio may contain a restroom, however bathing facilities are not permitted.*
8. *Guest houses, artist studios, or cabañas ~~must~~ shall conform to all of the setback regulations set forth in the applicable zone district for dwellings.*
9. *A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and ~~is~~ shall not ~~intended to~~ be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than ~~one hundred twenty (120) days in any twelve (12) month period~~.*
10. *Artist studios and cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit.*
11. *A Notice To Property Owner ~~document~~ shall be ~~required to be~~ recorded by the property owner prior to issuance of a Coastal Development Permit for any guest house, artist studio or cabaña; that specifies, at a minimum, the allowable uses of the structure.*
12. *A cabaña may be approved in conjunction with a proposed pool or sport court (see definition of cabaña); provided that ~~occupancy~~ construction of the building proposed pool or sport court is completed prior to or simultaneously with completion of the pool or court cabaña. A cabaña may also be approved on a lot that is directly adjacent to the beach.*
13. *A home occupation permit shall be required for all artist studios.*
14. *If an Attached or a Detached Residential Second Unit exists or has current approval on a ~~parcel~~ lot, a guest house or artist studio may not also be approved (see also Sec. 35-142.6.i).*
15. *Additional requirements, identified in DIVISION 15 (Montecito Community Plan Overlay District), exist for ~~parcels~~ lots identified with the MON overlay zone.*
16. *Commercial sales or transactions shall not occur either within an artist studio or on the lot containing the artist studio unless allowed pursuant to an issued Coastal Development Permit for a home occupation.*

occupations must be conducted entirely within the dwelling or artist studio, and may not alter the residential character of the neighborhood, (2) add new development standards, and (3) specify that certain businesses are not permitted as home occupations.

**Sec. 35-121. Home Occupations.**

**Sec. 35-121.1. Processing Purpose and Intent.**

The purpose of this section is to provide permit regulations and processing requirements for home occupations. The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.

**Sec. 35-121.2 Applicability.**

The provisions of this section shall apply to all home occupations. Home occupations may be permitted in any dwelling in any zoning district including nonconforming dwellings.

**Sec. 35-121.3 Processing.**

1. Except as stated in Sec. 35-121.3-5, prior to the commencement of any type of occupation in ~~the a~~ home or an artist studio, a coastal development permit for a home occupation application shall be submitted to shall be issued by the Department of Planning and Development Department. The Department of Planning and Development shall approve, conditionally approve, or deny such application. Upon approval of such application, a Coastal Development Permit shall be issued for the home occupation.
2. Prior to issuance of the coastal development permit the applicant shall sign and record a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Sec. 35-121.4 and any other conditions as may be made part of the coastal development permit.

**Sec. 35-121.24. Findings Development Standards.**

The Planning and Development Department shall approve a home occupation application only if the proposed occupation meets all of the following criteria A home occupation shall comply with all of the following development standards:

1. Only one home occupation shall be allowed on any one lot. A The home occupation shall be conducted either entirely within not more than one room of the dwelling not including garages, except for or entirely within an artist studios. A home occupation may not be conducted outside of the dwelling or the artist studio.
2. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no structural internal or external alterations of to the dwelling that are not customarily found in such structures, and the existence of the home occupation shall not be apparent beyond the boundaries of the premises discernible from the exterior of the dwelling unit.
3. The home occupation shall be conducted solely by the occupant(s) of the a dwelling unit located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the premises lot that contains the home occupation for business purposes. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
4. No displays, or advertising signs naming or advertising the home occupation shall be permitted on or off the premises lot that contains the home occupation. All

- advertising for the home occupation, including but not limited to telephone directories, newspaper or other printed material, or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
5. There shall be no more than five (5) customers, patients, clients, students, or other persons served by said home occupation upon the premises lot that contains the home occupation at any one time.
  6. A home occupation shall not use any electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the premises lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
  7. No smoke or odor shall be emitted that occurs as a result of the home occupation.
  8. There shall be no outdoor storage of materials related to the home occupation.
  9. No vehicles or trailers except those incidental to the residential use and those allowed under Section 35-71.11: shall be kept on the premises lot that contains the home occupation.
  10. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, premises the lot that contains the home occupation, or the neighborhood.
  11. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Santa Barbara County Environmental Public Health Department will be required prior to approval.
  12. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard.
  13. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries are exempted from this limitation.
  14. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated on-site or on the street frontage abutting the lot that contains the home occupation.
  15. The home occupation shall at all time be conducted in compliance with the conditions and limitations of the foregoing subsections 1. through 14 and any other conditions and/or limitations that may be part of the coastal development permit issued to allow the home occupation. Failure to comply with said conditions and limitations shall be cause for revocation of the coastal development use permit.
  16. Occupations that cannot comply with all of the development standards listed in Sec. 35-121.4 may not be permitted as home occupations. Such prohibited occupations include, but are not limited to:
    - a. On-site automotive repair or service.

b. Painting of vehicles, trailers, boats or machinery.

**Sec. 35-121.35. Exception to Permit Requirement for Home Occupation.**

No coastal development permit for a home occupation permit shall be required for home occupations such as accounting, bookkeeping, consultants in engineering, finance, management and publishing, telephone sales, etc., which meet all of the following criteria:

1. Findings Development standards 1-4 and 6-11 15 under Sec. 35-121.24.
2. No clients or customers shall be served at the premises lot that contains the home occupation.
3. No business advertisements, except for business cards and letterhead, may list the home address of the home occupation.
4. All business transactions occurring on the premises lot that contains the home occupation shall occur by telephone, FAX facsimile, computer modem or other telecommunication medium, or written correspondence or other telecommunication medium.

**Sec. 35-121.46. Violations of Home Occupation Regulations.**

- 1a. It shall be unlawful for any person, firm or corporation to establish, cause, permit or maintain any type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") in an area zoned for residential use without first securing a Home Occupation Permit from the Department of Planning and Development which approves, and/or conditionally approves such use or activity prior to the issuance of a coastal development permit allowing said home occupation.
- 2b. It shall be unlawful for any person to conduct a home occupation for which a Home Occupation Permit coastal development permit has been issued without complying with all conditions attached to such permit.

4.4 **SECTION 42:** Amend Section 35-123, Fences, Walls and Gateposts, to (1) clarify the permit requirements for fences, walls, gates and gateposts depending on their location (relative to setback areas) and height, (2) include gates within the regulations and subject to the same height requirements as the fence or wall, and (3) include standards for interior lots.

**Sec. 35-123. Fences, Walls and Gate Posts.**

1. In all zoning districts other than agricultural zones, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-124 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district or exceed the height limitations of Sec. 35- 100 (F - Airport Approach Overlay).

| <u>Location of Fence,<br/>Wall, Gate or<br/>Gatepost</u> | <u>Permit Requirement</u>                              |                                       |   |
|--|--|---------------------------------------|---|
|  | <u>Exempt</u>  | <u>Coastal Development<br/>Permit</u> | <u>Minor Conditional Use<br/>Permit</u>                     |
| <u>Front setback area.</u>                               | <u>Fences, walls and<br/>gates six feet or less in</u> | <u>Not applicable.</u>                | <u>Fences, walls and gates<br/>greater than six feet in</u> |

|  |  |  |  |
|--|--|--|--|
|  | <u>height; gateposts eight feet or less in height.</u>   |  | <u>height; gateposts greater than eight feet in height.</u>  |
| <u>Side and rear setback areas.</u>  | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Not applicable.</u>   | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> |
| <u>Interior lot setback areas 20 feet or less from any street right-of-way.</u>      | <u>Fences, walls and gates six feet or less in height; gateposts eight feet or less.</u>           | <u>Not applicable.</u>   | <u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u> |
| <u>Interior lot setback areas greater than 20 feet from any street right-of-way.</u> | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Not applicable.</u>   | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> |
| <u>Outside of setback areas</u>  | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> | <u>Not applicable.</u>   |

2. In agricultural zoning districts, fences, walls, gates and gateposts may be located on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-124 (General Regulations – Vision Clearance). In no case shall the height of the fence exceed the height limit of the applicable zoning district, or exceed the height limitations of Sec. 35- 100 (F - Airport Approach Overlay).

| <u>Location of Fence, Wall or Gatepost</u> | <u>Permit Requirement</u>  |  |                                     |
|--|--|--|-------------------------------------|
|  | <u>Exempt</u>  | <u>Coastal Development Permit</u>  | <u>Minor Conditional Use Permit</u> |
| <u>Front setback area.</u>                 | <u>Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.</u> | <u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u> | <u>Not applicable.</u>              |
| <u>Side and rear setback areas.</u>        | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> | <u>Not applicable.</u>              |

|  |  |  |                        |
|--|--|--|------------------------|
| <u>Interior lot setback areas 20 feet or less from any street right-of-way.</u>      | <u>Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.</u> | <u>Fences, walls and gates greater than six feet in height; gateposts greater than eight feet in height.</u> | <u>Not applicable.</u> |
| <u>Interior lot setback areas greater than 20 feet from any street right-of-way.</u> | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> | <u>Not applicable.</u> |
| <u>Outside of setback areas</u>  | <u>Fences, walls and gates eight feet or less in height; gateposts ten feet or less in height.</u> | <u>Fences, walls and gates greater than eight feet in height; gateposts greater than ten feet in height.</u> | <u>Not applicable.</u> |

23. In addition, the following regulations shall apply:

a.

A maximum of ~~ten~~ 10 percent (~~10%~~) of the total linear length of a wall or fence including gates may be allowed to exceed the maximum height specified for exemption from a coastal development Ppermit; where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.

4.

b.

The height of walls, ~~or fences, gates or gateposts~~ shall be determined by measuring from the natural grade at the lower side of the fence, wall, gate or gate posts.

| <u>Location of Fence, Wall or Gate Post</u> | <u>Exempt from Coastal Development Permit</u>   | <u>If Not Exempt From a CDP, Type of Permit Required in All Districts Other Than Agricultural Districts</u>  |
|---|---|--|
| <u>Front Yard Setback</u>                   | <u>Fences and walls less than six (6) feet and gate posts less than eight (8) feet in height are exempt from a CDP.</u>   | <u>Minor CUP required for fences and walls more than six (6) feet or gate posts more than eight (8) feet in height.</u>  |
| <u>Side and Rear Yard Setback</u>           | <u>Fences and walls less than eight (8) feet and gate posts less than (10) feet in height that are not closer than twenty (20) feet to the right of way line of any street are exempt from a CDP.</u> | <u>Minor CUP required for fences and walls more than eight (8) feet or gate posts more than ten (10) feet in height, or closer than twenty (20) feet to the right of way line of any street.</u> |
| <u>Outside of Setback Areas</u>             | <u>Fences and walls less than eight (8) feet and gate posts</u>   | <u>CDP required for fences and walls more than eight (8) feet or</u>   |

|  |   |  |
|--|---|--|
|  | <i>less than ten (10) feet in height are exempt from a CDP.</i> | <i>gate posts more than ten (10) feet in height.</i> |
|--|---|--|

4.5 SECTION 43: Amend Section 35-124, Vision Clearance, to revise existing language to clarify location of vision clearance area, especially in regards to where streets intersect on a curve as opposed to a right angle.

**Sec. 35-124. Vision Clearance Area.**

1. ~~In agricultural and residential districts, a vision clearance of not less than ten (10) feet shall be provided on all corner lots.~~
2. ~~In all other districts, a vision clearance of not less than seven (7) feet shall be provided on all corner lots.~~

In all zone districts, a vision clearance area shall be provided on all corner lots. No structure, including but not limited to fences and gateways, or vegetation which obstructs the visibility of and from vehicles approaching the intersection of a state highway or public or private street with another state highway or public or private street, shall be constructed, grown, maintained or permitted higher than two and one-half feet above the curb grade, or three feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines that are 10 feet away from the point of their intersection. In the case of rounded corners, the vision clearance area shall be the triangular area between an extension of the right-of-way lines prior to the beginning of the tangent and a diagonal line joining points on right-of-way line or extension thereof that are 10 feet away from the point of intersection of the extensions of the right-of-way lines. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner.

4.6 SECTION 44: Amend Section 35-125, General Setback Regulations, to:

- (1) Correct the language regarding setbacks on recorded subdivision maps (Section 35-125.1);
- (2) Delete the word “yard” (Section 35-125.2);
- (3) Delete the obsolete method modifying setbacks in residential subdivisions that can now be accomplished through the development plan process (old Section 35-125.4);
- (4) Specify that attached trellises may extend into the rear setback in certain circumstances (new Section 35-125.4.c);
- (5) Allow ornamental garden and landscaping structures to be located in the front and side setbacks subject to restrictions (Section 35-125.4.d);
- (6) Allow certain decks to be located in the front and side setbacks subject to restrictions (Section 35-125-4.e);
- (7) Allow certain non-habitable structures (e.g., storage buildings) to be located in the side setback subject to restrictions (Section 35-125-4.f);
- (8) Allow utility pedestals to be located in the front and side setbacks subject to restrictions (Section 35-125-4.g);

- (9) Allow unroofed enclosures to be located in the front setback subject to restrictions (Section 35-125-4.g); and,
- (10) Specify that front setback reductions due to topographic differences are not available for carports (Section 35-125.6).

**Sec. 35-125. General Setback Regulations.**

1. ~~Where a setback line is called for or shown on a recorded subdivision final or parcel map or on a Final Development Plan in the PRD district under Sec. 35-75-11, the required setback shall be the setback line shown on the subdivision final or parcel map of or Final Development Plan.~~
2. ~~In computing the depth of a rear yard setback or the width of a side yard setback, if such yard setback abuts upon an alley, and the lot owner of the yard owns all or one-half of the underlying fee of such alley, up to one-half the width of such alley may be included in the rear yard or side yard setback.~~
3. ~~On any lot which has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, which reduction was required by the County for road widening purposes, the required yards shall be computed on the basis of the original dimensions of the lot as though such road widening had not occurred.~~
4. ~~In single family residential subdivisions wherein all proposed dwellings are to be constructed at one time by the developer and a plot plan showing the location and dimensions of each building and the front, side, and rear yard setback dimensions on each lot has been filed with the Planning and Development Department, the Director may modify the required front yard setback for not to exceed fifty (50) percent of the lots on each side of the street in each block, subject to all of the following limitations:~~
  - a. ~~No garage shall be located closer than ten (10) feet to the street right of way line.~~
  - b. ~~No part of the dwelling portion of the building shall be located closer than fifteen (15) feet to the street right of way line.~~
  - c. ~~No garage shall be so oriented that there is less than twenty (20) feet of unobstructed driveway space within the property on which to park a car outside of the garage.~~
  - d. ~~The average distance of each building from the centerline of the street shall be at least fifty (50) feet. Such average distance shall be determined by multiplying the width of the various segments of the front of the building by the setback distance of such segments from the centerline of the street and dividing the sum of the products by the total width of the building.~~
5. ~~Every part of a setback, except for mobile home site setbacks subject to the provisions of Sec. 35-91. (MHP), shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except as provided below:~~
  - a. ~~for the The ordinary projection of sills, buttresses, cornices, chimneys, eaves, and ornamental features but in no case shall such projections exceed may extend into a setback no more than three (3) feet. However, Handrails on outdoor stairways may extend into the setback an additional six (6) inches.~~

6. b. Fire escapes, balconies, and unroofed and unenclosed porches, or landings may extend ~~four feet~~ into ~~a) the a front or rear yard setback four (4) feet,~~ and ~~b) three feet~~ into a side yard setback ~~three (3) feet,~~ when constructed and ~~placed located as in a manner that shall not obstruct light or ventilation of buildings or the ready use of said yards setbacks for ingress or egress.~~
7. c. Trellises and patio covers that are attached to a dwelling, ~~except on~~ not including mobile homes sites subject to provisions set forth in Sec. 35-91- (MHP), may be located within the rear yard setback when no closer than fifteen (15) feet to the rear property line, or no closer than ten (10) feet to the rear property line when adjacent to a permanently dedicated open space area or road right-of-way.
- d. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds, planters) may be located within the front and side setbacks provided the feature is either:
- 1) Less than 30 inches high, or
  - 2) Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Sec. 35-124 (General Regulations -- Vision Clearance Area).
- e. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated ESH area.
- f. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:
- 1) Cumulatively the structures do not occupy an area greater than 10 percent of the side setback in which they are located, or 120 square feet, which ever is less.
  - 2) Do not contain any utilities.
  - 3) Are screened from view from abutting properties by a wall or fence at least as tall as the structures.
  - 4) Are located no closer than five feet to any other building or structure located on the same lot.
- g. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining property.
- h. Unroofed enclosures for irrigation equipment, solid waste containers and utilities may be located in a front setback provided (1) the total area surrounded by all such enclosures does not exceed 120 square feet and (2) the enclosure complies with the all of the following:
- 1) The enclosure is no greater than six feet in height.
  - 2) The enclosure surrounds an area no greater than 50 square feet.
  - 3) The enclosure is located between a fence or a wall that is at least as tall as the enclosure and the rear of the lot, and it is not visible from any public or private street or adjoining lot.
5. In any area where a building can be legally constructed on or closely adjacent to

*the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way no more than ~~thirty~~ (30) inches; provided that all such encroachments shall be at least eight (8) feet above any area used by pedestrians, and at least ~~fourteen~~ (14) feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the County Road Division.*

*56. Where the elevation of the ground at a point ~~fifty~~ (50) feet from the centerline of any street is seven (7) feet or more below or above the grade of said centerline, the front setback of a private detached garage (not carport) may be decreased by ~~forty~~ (40) percent and the front setback for a dwelling may be decreased by ~~twenty~~ (20) percent provided the front face of such garage is ~~not located a minimum of~~ closer than ten (10) feet ~~to~~ from the abutting street right-of-way.*

4.7 **SECTION 45:** Amend Section 35-126, Through, Corner, Interior and Odd-Shaped Lots, to (1) revise the location of side setbacks on through lots based on the new definitions of front and side setbacks (Section 35-126.1), (2) delete the term "yard"(Section 35-126.1 and Section 35-126.2), and (3) include the method for determining the rear setback on a triangular lot (moved from the Definitions section).

**Sec. 35-126. Through, Corner, Interior, and Odd-Shaped Lots.**

1. *Through Lots. The side ~~yard~~ setbacks shall extend the full depth of the lot between the ~~street lines~~ front setbacks and there shall be two (2) front ~~yard~~ setbacks ~~for the purpose of computing setbacks.~~*
2. *Corner Lots Abutting Two or More Streets.*
  - a. *If a corner lot is less than 100 feet in width, the front ~~yard~~ setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said front ~~yard~~ setback be less than ~~ten~~ (10) feet.*
  - b. *If a corner lot is 100 feet or greater in width, there shall be a front ~~yard~~ setback along each street abutting the lot and all such setbacks shall conform to the front ~~yard~~ setback requirements of the applicable zone district.*
  - c. *The rear ~~yard~~ setback for a corner lot backing upon a key lot may be reduced to the size of the required side ~~yard~~ setback for the key lot or ~~ten~~ (10) feet, whichever is greater, provided the total front, side, and rear ~~yard~~ setback area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side ~~yard~~ setback requirements applicable to the key lot.*
3. *Interior Lots. The setback regulations of the applicable zone district shall not apply to an interior lot but any structure located upon such lot shall have a setback of at least ~~ten~~ (10) feet from all property lines and the total setback area shall equal the total area of all setbacks required in the applicable zone district.*
4. *Odd-Shaped Lots. In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible*

- Christmas trees) provided the area to which the public has access is limited to 10,000 square feet.
2. Within the AG-I, AG-II, RR, M-CD and M-CR zoning districts, the following activities require a development plan approved by the Director of Planning and Development pursuant to Sec. 35-174 and the issuance of a coastal development permit pursuant to Sec. 35-169.
    - a. Sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.
  3. Within the R-1, R-2, DR and CH zoning districts, the following activities may be allowed pursuant to a conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-172 and the issuance of a coastal development permit pursuant to Sec. 35-169.
    - a. Sales of agricultural products grown predominantly on-site or, provided the lot on which the sales occur is not located within the Montecito Planning Area, on other property within a 25 mile radius of the lot on which the sales occur and operated by a single proprietor. This includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking.

**Sec. 35-131.4. Development Standards.**

Agricultural sales shall comply with the following development standards.

1. If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding 600 square feet of gross floor area and located no closer than 20 feet to the right of way line of any street.
2. The area devoted to retail sales of non-plant materials is limited to a single location no greater than 300 square feet in area. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to such storage shall not be included within the 300 square feet provided the inventory storage area is neither visible nor accessible to the public.
3. Structures which are not used for a period of one year shall be removed within the three months following the year of non-use.
4. Ingress and egress to the agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
5. All parking areas, except for those associated with short-term, seasonal sales, shall be surfaced with a minimum of asphalt, concrete, brick or other masonry paving units, chip seal or crushed rock surface. Parking area associated with short-term, seasonal sales may be unimproved, however, any dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface. Parking shall not be allowed within any adjacent road rights-of-way or trail easements. Parking areas shall comply with the disabled access requirements of Title 24 of the California Code of

Regulations as applicable.

6. All exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
7. In addition to the development standards listed above, the following development standards shall also apply to agricultural sales on property located within the R-1, R-2, DR, PRD and CH zoning districts:
  - a. The lot upon which the agricultural sales occur shall consist of a minimum of two acres (gross).
  - b. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed 200 square feet of sales and storage area except that if the premises consist of five or more contiguous acres, such building shall not exceed 600 square feet.
  - c. Only one stand shall be allowed on the premises.
  - d. New structures shall be approved by the Board of Architectural Review.
  - e. A building permit shall be obtained, if required.
  - f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of Article I of Chapter 35 of the Santa Barbara County Code.
  - g. A minimum of two permanently maintained onsite parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
  - h. Prior to the issuance of a land use permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653.

**Sec. 35-131.5. Noticing.**

Notice of the pending decision of the Director on a development plan processed pursuant to Sec. 35-131.3.2 shall be provided pursuant to Sec. 35-181 (Noticing) except that the notice shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to Planning and Development within the 10 calendar days following such notice. If a written request for a hearing is submitted to Planning and Development within the 10 calendar days following such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.

4.9 **SECTION 47: Amend Section 35-132, Trailer Use, to:**

- (1) Clarify and correct the general regulations language regarding trailer use (all sections);
- (2) Delete the requirement to renew minor conditional use permits for farm employee housing every five years and replace with requirement that sufficient

- documentation regarding the farm employee residence use be provided every five years instead (Section 35-132.8);
- (3) Clarify that the height of a trailer, stored on property as a use accessory to the residential use, is measured to the top of the roof of the trailer, and that a permit is not required to store a trailer on property as a use accessory to the residential use (Section 35-132.10);
  - (4) Extend the period of time that a trailer may be used in an emergency after an unplanned destruction of a dwelling from 90 to 180 days (Section 35-132.11); and,
  - (5) Allow the use of a trailer as a temporary sales office for a subdivision (Section 35-132.12).

**Sec. 35-132. Trailer Use.**

**Sec. 35-132.1 Limitation on Use.**

*Trailers shall only be used as ~~Except as otherwise~~ expressly permitted in this Sec. 35-132., in the Mobile Home Park (MHP) zone district, Sec. 35-91 (Mobile Home Park), Sec. 35-172 (Conditional Use Permits) and in the provisions of the individual zone districts allowing mobile homes certified under the National Manufactured Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), no trailer shall be used for any purpose whatsoever.*

**Sec. 35-132.2. Temporary Use of Trailers other than for Habitation During Construction in all Zone Districts.**

1. *Purpose: In all zone districts, trailers which have been converted for use as construction offices, tool storage, or for particular work such as electrical shops, cabinet shops, and other similar uses and which are not used for human habitation during the night are permitted to be maintained on a building site during periods of erection of buildings thereon, provided:*
  - a. *Building permits have been issued for the buildings.*
  - b. *Trailers shall be promptly removed upon completion of construction.*
2. *Processing:*
  - a. *Up to three (3) such converted trailers may be located on any one building site ~~may be permitted~~ without the requirement of a ~~Coastal Development Permit~~.*
  - b. *~~More than three (3) such trailers per building site, may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a Coastal Development Permit under Sec. 35-169., providing that:~~*
    1. *~~The Zoning Administrator makes additional findings that the need for the trailers and a time frame for their removal has been clearly demonstrated; and~~*
    2. *~~The trailers are permitted for an initial period not to exceed two (2) years. Renewals for additional 2 year periods may be granted under the provisions of Section 35-172.7., Processing, provided that the request is filed prior to the expiration date of the previously approved permit for the same use.~~*  
*More than three such converted trailers per building site may be permitted for an initial period not to exceed two years pursuant to the approval of a minor conditional use permit under Sec. 35-172 and the issuance of a coastal development permit under Sec. 35-169 provided that the Zoning*

Administrator also finds, in addition to the findings required under Sec. 35-172 (Conditional Use Permits), that the need for the trailers and a time frame for their removal has been clearly demonstrated. Renewals for additional two year periods may be granted by the approval of a new conditional use permit under Section 35-172 (Conditional Use Permits), provided that the request for renewal is filed prior to the expiration date of the previously approved conditional use permit for the same use.

**Sec. 35-132.3. Temporary Watchman Use of Trailers during Construction in all Zone Districts.**

In all zone districts, during periods of erection of buildings upon building sites, a trailer usable for or designed for human habitation may be maintained on such site for use as a watchman's quarters subject to the issuance of a Coastal Development Permit under Sec. 35-169-, provided:

1. Building permits have been issued for the buildings.
2. Only one (1) such trailer shall be permitted on a site; and,
3. The trailer shall be promptly removed upon completion of construction or within one (1) year following the issuance of the coastal development permit, whichever is earlier.

**Sec. 35-132.4. Temporary Watchman Use of Trailers in all Zone Districts.**

In all zone districts, a trailer usable for or designed for human habitation may be permitted to be used as a watchman's quarters for a maximum of five (5) years subject to ~~issuance~~ the approval of a Minor Conditional Use Permit under Sec. 35-172- and the issuance of a Coastal Development Permit under Sec. 35-169-, provided:

1. The trailer is accessory to a permanent building, structure, or use.
2. The permittee complies with the State Mobile Home Act, if applicable.
3. The trailer complies with setbacks and distances between buildings required for buildings or structures.
4. ~~The trailer, when added together with other dwelling units on the lot on which the trailer is located, does not exceed the number of dwellings permitted under the applicable zone district.~~

**Sec. 35-132.5. Temporary Dwelling Use of Trailers during Construction of Residential Buildings in all Zone Districts.**

In all zone districts, a trailer may be used for a single-family dwelling during construction of a residential building, subject to the issuance of a coastal development permit under Sec. 35-169, for a period of one (1) year or until thirty (30) days after an occupancy permit is issued the final building permit inspection has been completed by a the County Building Official or designee, or the building is occupied, whichever is earlier, under a Coastal Development Permit under Sec. 35-169-, provided:

1. Said one year period shall be reduced by any period during which the trailer has been illegally occupied at the site.
2. The building permit for the residential building has been issued ~~for the residential building~~ and the foundation inspection has been completed.
3. The permittee complies with the State Mobile Home Act, if applicable.
4. The trailer complies with the setbacks and distance between buildings required for buildings or structures.

A time extension for the a Coastal Development Permit issued ~~under~~ pursuant

~~to this section may only be granted as a Minor Conditional Use Permit pursuant to Sec. 35-172- (Conditional Use Permits).~~

**Sec. 35-132.6. Use of Trailers for Various Purposes in all Zone Districts.**

~~In all zone districts, trailers may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-172, and a Coastal Development Permit under Sec. 35-169. Trailers may used for the following purposes in all zone districts subject to the approval of a minor conditional use permit under Sec. 35-172 and a coastal development permit under Sec. 35-169. All trailers permitted pursuant to this section, including their foundations, shall be promptly removed upon completion of construction of the permanent building or discontinuance of the authorized use. The decision-maker with jurisdiction over the conditional use permit may condition the project to require that a performance security, in a form acceptable to and approved by the County, be deposited with the County to guarantee the removal of the trailers and foundations in order to ensure compliance with the requirement.~~

1. ~~Accessory to a permanent~~ an existing building already on the same site for any use allowed under the provisions of the applicable zoning district and regulations of this Article subject to the following:
  - a. ~~The Conditional Use Permit shall be valid for an initial period not to exceed two (2) years. The Conditional Use Permit may be renewed for additional two (2) year periods under the provisions of Sec. 35-172- (Conditional Use Permits) subject to the restrictions of this section, provided, however, that the request for the renewal is filed prior to the expiration date of the previously approved Conditional Use Permit, and~~
  - b. ~~In no case shall the cumulative time period for the Conditional Use Permits and any renewals for the site exceed a maximum of six (6) years unless a finding ~~can be~~ is made that:~~
    - 1) ~~A permanent building is under construction on the building site to house the use and replace the trailers(s), or~~
    - 2) ~~An ~~active~~ unexpired building permit has been issued for a permanent building to be constructed on the building site to house the use and to replace the trailers(s), or~~
    - 3) ~~The construction of a permanent building on the building site to house the use and to replace the trailer(s) is authorized pursuant to a valid, unexpired, discretionary permit.~~
2. ~~To house otherwise permitted branch offices of banks or savings and loan associations provided the branch office is licensed as a mobile branch office by the State or Federal Government and all district setbacks are complied with.~~
3. ~~On permanently improved sites, which are isolated from trailer parks, open and available to a railroad, and within the railroad's right of way, provided such trailers are used to house exclusively employees of the railroad engaged full-time in construction or maintenance of the railroad's right of way.~~  
To exclusively house employees of a railroad engaged full-time in construction or maintenance of the railroad's right-of-way provided such trailers are located on permanently improved sites within the railroad's right-of-way that are isolated from trailer parks.
4. ~~To permit trailers as air quality monitoring stations, for a time period that is~~

~~adequate to meet the specific air quality monitoring needs of the project, as recommended by the County Air Pollution Control District and determined to be appropriate by the Zoning Administrator, and providing decision-maker with jurisdiction over the project provided that the following additional findings are made in addition to the findings required under Sec. 35-172 (Conditional Use Permits):~~

- a. ~~That the stations are either required or approved by the County Air Pollution Control District;~~
- b. ~~That all zoning district setbacks are complied with; and~~
- c. ~~That the trailers are adequately screened by landscaping or other measures from public view.~~

~~All trailers permitted pursuant to this section, including their foundations, shall be promptly removed upon completion of construction of the permanent building or discontinuance of the authorized use. The Zoning Administrator may condition the project, and may require bonding or other performance security to ensure compliance with this requirement.~~

**Sec. 35-132.7. Use of Trailers as Offices in Agricultural Districts.**

~~In any agricultural zoning district, trailers may be permitted to be used temporarily primarily for the performance of duties imposed on the owner or lessee of the land in connection with the agricultural activities conducted thereon by federal, state, or county laws or regulations, for the following periods and under the following permits: Permits issued or approved pursuant to Sec. 35-132.7.2 or Sec. 35-132.7.3 below shall provide that any such trailers shall be removed from the lot within six months following the effective date of any rezoning of the lot on which the trailer is located to other than an agricultural zoning district.~~

1. ~~For less than thirty (30) days or less without the requirement of a Coastal Development Permit.~~
2. ~~For more than thirty (30) days to but no more than one (1) year with pursuant to the issuance of a Coastal Development Permit under Sec. 35-169.~~
3. ~~For over one year pursuant to the approval of a Minor Conditional Use Permit under Sec. 35-172; and the issuance of a Coastal Development Permit under Sec. 35-169.~~

~~Any extension of the time limits set forth in this Section shall be subject to the approval of the Zoning Administrator.~~

~~Permits issued or approved under paragraph 2. and 3., above, shall provide that any such trailers shall be removed from the lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than agriculture.~~

**Sec. 35-132.8. Use of Trailers for Single-Family Dwellings for Full Time Farm Workers in All Zone Districts; Not Including Labor Camps**

~~In all zone districts, pursuant to a Minor Conditional Use Permit under Sec. 35-172, and a Coastal Development Permit under Sec. 35-169., trailers may be used for a period not to exceed five (5) years as single family dwellings by workers (either employees or owners) engaged full time in agriculture on the farm or ranch on which the trailer will be located, provided:~~

Trailers may be used as single-family dwellings in all zoning districts for not to

exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the trailer(s) is located pursuant to the approval of a minor conditional use permit under Sec. 35-172 and the issuance of a coastal development permit under Sec. 35-172 provided:

1. The permittee complies with the State Mobile Home Act.
2. The trailer(s) complies with the setbacks and distance between buildings required for buildings or structures.
3. The permittee can document the existing and proposed agricultural use of the property and demonstrates a need for ~~such a trailer(s)~~ additional dwellings to support such use.
4. The permittee provides proof of the full-time nature of the workers employment of the proposed resident(s) of the trailers. Such proof shall be to the satisfaction of Planning and Development in the form of any one or combination of the following:
  - a. Employer's income tax return.
  - b. Employee's pay receipts.
  - c. Employee's W-2 form.
  - d. Notarized contract between applicant and employee which delineates work to be performed and wages to be received.
  - e. Employer's DE-3.
  - f. Other option approved by Planning and Development.Said proof of full-time employment of the employee(s) residing in the trailer(s) shall be also be provided (1) every five years beginning from the issuance of the coastal development permit for the farm employee trailer(s) or (2) if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full-time employment shall be cause for revocation of the minor conditional use permit and coastal development permit.
5. The ~~permits provide~~ Minor conditional use permits and coastal development permits approved or issued pursuant to this section shall contain a condition that requires that the trailer shall be removed from the premises within six (6) months following the discontinuance of use of the premises for agricultural purposes.
6. Minor Conditional Use Permits granted pursuant to the regulations of this section may be renewed for additional five (5) year periods of time if application for renewal is made to the Planning and Development Department prior to the expiration of the Conditional Use Permit.

**Sec. 35-132.9. Use of Trailers for Housing in Farm Labor Camps in the Agriculture II District.**

~~In the AG II district, trailers may be permitted to be used for housing persons engaged full time in agriculture on farms or ranches other than the one on which the trailer is located, pursuant to a Major Conditional Use Permit under Sec. 35-315. and a Coastal Development Permit under Sec. 35-314., provided the permit shall provide that any such trailer shall be removed from the lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than Agriculture II District.~~

In the AG-II zoning district, trailers may be used in farm labor camps, as defined in Sec. 35-58, and subject to the approval of a major conditional use permit and the issuance of a coastal development permit, for housing persons engaged full-time in

agriculture on farms or ranches provided that the major conditional use permit and the coastal development permit include a condition that any such trailer(s) shall be removed from the lot within six months following the effective date of any rezoning of the lot on which the trailer(s) is located to a zoning district other than the AG-II zoning district.

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

The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed eight (8) and one-half feet in width, 13 and one-half feet 6 inches in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length. All such trailers shall be screened from view from abutting streets. Said trailers may be stored on property without the requirement for a coastal development permit.

**Sec. 35-132.11. Temporary Use After Destruction of Dwelling.**

If an occupied dwelling is destroyed by an accident or natural disaster, such as fire, flood, earthquake, etc. fire, flood, earthquake, arson, vandalism or other calamity beyond the control of the property owner, the Director or authorized staff may approve a temporary Coastal Development Permit may be issued for a 90 180-day period for emergency use of a trailer for a dwelling, provided 1) no trailer is illegally located on the lot, and 2) an application for a trailer has been filed under another subsection of this Sec. 35-132., Trailer Use.

**Sec. 35-132.12. Temporary Sales Office.**

In all residential zoning districts, a trailer may be used as a temporary sales office pursuant to the provisions of Sec. 35-133.

- 4.10 **SECTION 48:** Amend Section 35 137, Temporary Second Dwellings, by replacing it with a new section titled Temporary Uses. The purpose of this amendment is to provide regulations for temporary uses of property (e.g., special events) besides carnivals, circuses, etc. that are currently covered in Articles II. Many of the following uses presently occur but are not regulated by the zoning ordinance.

**Sec. 35-137. Temporary Second Dwellings Temporary Uses.**

In any district where an existing structure is to be used for dwelling purposes on a temporary basis during the construction on the same lot of another structure to be used for dwelling purposes, a Coastal Development Permit for such structure to be constructed may be issued by the Director, subject to execution of an agreement by the property owner that said existing structure will be removed, converted or reconverted to a permitted accessory building within three months after commencement of the occupancy of the newly constructed dwelling and subject to the receipt by the County of a performance security in an amount designated by the County Building Official and in form and content acceptable to the County Council, assuring the performance of said property owner's obligations set forth in said agreement.

**Sec. 35-137.1 Purpose and Intent.**

The purpose of this section is to provide permit regulations and processing requirements for temporary uses and developments. The intent is to give special consideration and apply conditions to such temporary uses and developments in order to prevent any adverse effects on surrounding properties.

**Sec. 35-137.2 Applicability.**

The provisions of this section shall apply to all temporary uses of property described within this section. Such uses shall also be subject to all the provisions set forth in Sec. 35-169 (Coastal Development Permits) and Sec. 35-172 (Conditional Use Permits), as applicable. However, this section shall not apply to any use of property that is regulated pursuant to Chapter 6, Amusements, of the Santa Barbara County Code.

**Sec. 35-137.3 Processing.**

No permits for temporary uses subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements.

1. Exempt temporary uses: The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any permit requirements:

a. Car washes. Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.

b. Charitable functions on property located outside the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:

1) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

2) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

c. Charitable functions on property located within the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

d. Public assembly facilities. Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.

e. Public property. Events held at a County park or on other County-owned land when conducted with the approval of the County.

f. Similar temporary uses. Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

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2. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require the issuance of a coastal development permit pursuant to Sec. 35-169:
- a. Car washes. Car washes, located on commercially zoned property, operating more than two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts.
  - b. Charitable functions on property located outside the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where:
    - 1) The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
    - 2) The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
  - c. Dwellings. An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
    - 1) An agreement is recorded by the property owner prior to the issuance of the required coastal development permit for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to a permitted accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling, and
    - 2) Said agreement shall include the granting of access to the property to Planning & Development as necessary to ensure the performance of said property owner's obligations set forth in said agreement.
  - d. Events. Carnivals, circuses, and similar activities, including but not limited to amusement parlors, art and craft fairs (including the sale of antiques and art objects), Ferris wheels, menageries, merry go rounds, outdoor shooting galleries, penny arcades, prizefights, religious assemblies, shooting matches, tent shows, trained animal shows, turkey shoots and wrestling matches, located within agricultural, commercial or industrial zoning districts, provided they do not continue for more than five consecutive days.
  - e. Rodeos and other equestrian events. Rodeos and other equestrian events, provided:
    - 1) The minimum lot size shall be ten acres.
    - 2) The rodeo or equestrian event is located on property having an agricultural zoning district designation.
    - 3) The subject property is not located within 1,000 feet of any

- property having a residential zoning district designation.
- 4) The number of spectators and participants present at the rodeo or equestrian event at any one time does not exceed 300.
  - f. Seasonal sales lots, Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) not subject to the regulations of Sec. 35-131 (Agricultural Sales) including temporary residence/security trailers, on non-residentially zoned land, or residentially zoned land utilized by an institution (e.g., church, school), provided they do not continue for more than 60 consecutive days.
  - g. Other similar temporary activity. Any other similar activity conducted for a temporary period either outdoors, within temporary structures or within single-family residential zoning districts which, as determined by the Director, has the potential to result in an adverse effect on surrounding properties.
3. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require a minor conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-172 and the issuance of a coastal development permit pursuant to Sec. 35-169:
    - a. Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings.
    - b. Charitable functions on property located outside the Montecito Planning Area. The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.
    - c. Rodeos and equestrian events that do conform to the provisions of Sec. 35-137.3.2.e.
    - d. Spectator entertainment facilities including but not limited to concerts, outdoor movies, and live performance stages or theaters.
  4. No conditional use permit shall be approved, nor shall any coastal development permit be issued, until the Supervisor of the Supervisorial District in which the use is proposed, or his or her designated representative, has been notified of the application.
  5. A coastal development permit requested pursuant to Sec. 35-137.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the land use permit.

**Sec. 35-137.4 Development Standards.**

Temporary uses permitted under Sec. 35-137.3 shall comply with the following development standards:

1. Temporary uses shall not continue for more than five consecutive days unless otherwise specified.
2. The applicant for the temporary use shall comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business

- License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance.
3. The decision-maker with jurisdiction over the proposed temporary use shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, or welfare. Noncompliance with any conditions of approval of a temporary use permit shall constitute a violation of the zoning ordinance. Such conditions may include, but shall not be limited to:
- a. Special setbacks and buffers.
  - b. Regulation of outdoor lighting.
  - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan. Said plan may include:
    - 1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
    - 2) The use of dust control measures to keep dust generation to a minimum and to maintain the amount of dust leaving the site.
    - 3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas. Signs shall be placed prior to the commencement of each event.
  - d. Regulation of noise, vibration, odors, etc.
  - e. Regulation of the number, height and size of temporary structures, equipment and signs.
  - f. Limitation on the hours and days of operation of the proposed temporary use.
  - g. If special sales are involved, limitations on the location where sales may occur, the number of vendors and the scope of goods sold.
  - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
  - i. If necessary, review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district.
  - j. Obtaining a County business license if necessary.
4. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall be approved by the Building and Safety Division of Planning and Development and the County Fire Department or fire protection district.
5. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

**Sec. 35-137.5 Additional Findings.**

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-169 and 35-172, in order to approve an application for a temporary use, the decision-maker shall also make the following findings:

- 1. That the site is adequate in size and shape to accommodate the proposed temporary use.
- 2. That the proposed temporary use would not adversely interfere with existing uses

on the subject property, and would not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

**Sec. 35-137.6 Noticing.**

1. Notice of a coastal development permit approved pursuant to Sec. 35-137.3 shall be provided in accordance with Sec. 35-181 (Noticing). In addition, a copy of the approved coastal development permit shall be mailed, at least 10 calendar days prior to the date on which the coastal development permit is to be issued, to owners of property located within 300 feet of the exterior boundaries of the lot that temporary use is located on and to any person who has filed a written request with the Planning and Development Department.
2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-181 (Noticing).

**Sec. 35-137.7 Appeals.**

1. Notwithstanding the provisions of Sec. 35-182.2 (Appeals to the Planning Commission), the approval, approval with conditions, or denial of a Coastal Development Permit for a temporary use listed in Sec. 35-137.3.2 may be appealed to the Zoning Administrator by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and the accompanying fee, must be filed with the Planning and Development Department within 10 calendar days following of the date of the decision of the Planning and Development Department. The Zoning Administrator shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later than the time the temporary use is scheduled to commence. The decision of the Zoning Administrator shall be final. Notwithstanding the provisions of Sec. 35-181 (Noticing), mailed and published notice is not required to be given of said hearing, however, the date, time and location of the review shall be provided to the applicant, appellant, and any interested person who has filed a written request with the Planning and Development Department for notice of approved permits on the subject lot. If the lot for which the Coastal Development Permit for a temporary use is located within the Montecito Planning Area, the appeal shall be to the Chair of the Montecito Planning Commission, or designee, instead of the Zoning Administrator.
2. The approval, approval with conditions, or denial of a conditional use permit for a temporary use listed in Sec. 35-137.3.3 may be appealed to the Board of Supervisors in accordance with the provisions of Sec. 35-182.3 (Appeals to the Board of Supervisors).

**Sec. 35-137.8 Contents of an Application.**

Application for a temporary use shall be made on forms provided by the County and shall include such plans and other information as may reasonably be required by the Director of the Planning & Development Department for a complete understanding of the proposed temporary use, accompanied by an application fee as established by resolution of the Board of Supervisors.

- 4.11 **SECTION 49:** Amend Section 35-142.6.7 of Section 35-142, Residential Second Unit, to clarify the height restrictions.

7. ~~A residential second unit shall not exceed a mean height of 16 feet except when the portion of an attached residential second unit that would exceed a mean height of 16 feet would be wholly contained within the existing principle dwelling. A detached residential second unit may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.~~

Height limit:

- a. An attached residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the residential second unit. An exception to this height limit may be granted when the portion of a proposed residential second unit that would exceed this height limit is wholly contained within an existing structure.
- b. A detached residential second unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached residential second unit connected to a detached accessory structure may be permitted provided:
- 1) The height of the residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the residential second unit, and
  - 2) The height of the entire structure does not exceed 25 feet.

- 4.12 SECTION 50: Amend Section 35-142.6.8 of Section 35-142, Residential Second Unit, to specify that the development standard regarding the entrances of second units not being visible from abutting streets only applies to attached second units.

8. ~~A residential second unit shall have a separate entrance. The entrance to the residential second unit shall not face an abutting street unless the entrance is structurally shielded so as not to be apparent when viewed from the abutting street unless this prohibits construction of the second unit in which the front door may be visible from the abutting street.~~
- An attached residential second unit shall have a separate entrance. Any entrance to an attached residential second unit shall be structurally shielded so that the entrance is not visible when viewed from any street abutting the lot that the residential second unit is located on. This standard may be waived by the Director of Planning and Development if it would prohibit the construction of an attached residential second unit on the lot.

- 4.13 SECTION 51: Amend Section 35-142.6.22 of Section 35-142, Residential Second Unit,

to clarify the language.

22. ~~In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Article, such as setback requirements, prohibit construction of the second unit in the rear of the lot on parcels one acre or less in size.~~  
A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zoning district shall not be located closer to the principal abutting street than the principal dwelling unless (a) the detached residential second unit is to be located in a permitted structure existing on July 1, 2003 and no exterior alterations are proposed, or (b) other provisions of this Article, such as setback requirements, prohibit construction of the second unit further from the principal abutting street than the principal dwelling.

- 4.14 SECTION 52: Amend Section 35-142.6.23 of Section 35-142, Residential Second Unit, to clarify the language.

23. ~~In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features on parcels one acre or less in size.~~  
A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zoning district shall reflect the exterior appearance and architectural style of the principal dwelling and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features unless the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed.

- 4.15 SECTION 53: Amend Section 35-142.7.1 of Section 35-142, Residential Second Unit, to clarify the language.

1. ~~Notice of an approved or conditionally approved Coastal Development Permits for an attached residential second units, or a and detached residential second units not located in an AG I zone a residential zoning district, shall be given consistent with Sec. 35-181.3. In addition, a copy of the approved Coastal Development Permit shall be mailed, at least ten calendar days prior to the date on which the Coastal Development Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning and Development. The notice shall state that the grounds for appeal are limited to the demonstration that the project for which the Coastal Development Permit was approved or~~

*conditionally approved is inconsistent with the development standards contained in Sec. 35-142.6.*

- 4.16 **SECTION 54:** Amend DIVISION 7, GENERAL REGULATIONS, to add a new Section 35-144I. Wildlife Species Rehabilitation, to add permitting requirements and development standards for wildlife species rehabilitation including waterfowl.

**Sec. 35-144I. Wildlife Species Rehabilitation.**

1. Purpose and intent: The purpose of this section is to provide for the rehabilitation of wildlife species commonly occurring within Santa Barbara County and to establish development standards for wildlife species rehabilitation. The intent of this section is to ensure their compatibility with surrounding land uses in order to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals.
2. Applicability: The rehabilitation of wildlife species, including the construction of structures accessory thereto, may be allowed in all zoning districts subject to the following requirements. This section does not apply to pet stores, animal clinics, animal hospitals and veterinarian offices. All animal keeping activities are subject to the requirements of this section regardless of whether or not a permit is required.
3. Permit Requirements: No permit is required for the provision of nursing care to sick or injured wildlife prior to returning them to the wild except as follows:
  - a. Permits may be required by other provisions of this Article, e.g., for structures used to enclose or house animals, and by other chapters of the Santa Barbara County Code.
4. Development standards: All wildlife species rehabilitation facilities shall comply with the following development standards.
  - a. On any lot having a residential zone classification, no stable, barn or other enclosure for large animals shall be located on a lot having a gross area of less than 20,000 square feet. No portion of a stable, barn or other enclosure for large animals shall be located closer than:
    - 1) 40 feet to any dwelling located on another lot.
    - 2) 70 feet to any street centerline and 20 feet to any right-of-way line.
    - 3) 15 feet from rear property lines.
    - 4) 10 feet from side property lines.
    - 5) 10 feet from the property lines of an interior lot.
  - b. Odor and vector control: All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
  - c. Storage and disposal of animal waste: All animal waste generated by the wildlife species rehabilitation facility shall be removed and stored or disposed of to prevent unsanitary conditions and breeding of flies.
  - d. The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after

advice from the County Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or does create offensive noise or odor, the Director may order the cessation of such wildlife species rehabilitation activities. This decision of the Director may be appealed to the Planning Commission as provided in Sec. 35-327.2 (Appeals – Planning Commission).

5. DIVISION 10, NONCONFORMING STRUCTURES AND USES: Amend Section 35-161, Nonconforming Use of Land, Buildings and Structures; amend Section 35-162, Nonconforming Buildings and Structures.

- 5.1 SECTION 55: Amend Section 35-161.1 of Section 35-161, Nonconforming Use of Land, Buildings, and Structures, to add language allowing structural alterations, subject to restrictions, to structures that are determined to be nonconforming as to their use if they are (1) historical landmarks or (2) residential structures zoned either SR-M or SR-H that are threatened by coastal erosion.

1. *Structural Change. Except as otherwise provided in this Article, including seismic retrofitting as defined in Section 35-58 and in accordance with Section 35-169.2.1.m, no existing building or structure devoted to a nonconforming use under this Article shall be enlarged, extended, reconstructed, moved, or structurally altered unless such use is changed to a use permitted in the district in which it is located. No building or structure accessory to a nonconforming use under this Article shall be erected, enlarged, or extended unless such building or structure is also accessory to a conforming use.*

a. Exceptions: Existing structures devoted to a nonconforming use may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:

- 1) The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term and has reviewed and approved the proposed structural alterations.
- 2) The structure is threatened due to coastal erosion, as determined by the County Building Official, and is located on property zoned either SR-M or SR-H. Any structural alteration or relocation (1) shall comply with all setback and height requirements of the zone district in which such structure is located, (2) shall not result in the removal of required parking spaces, and (3) shall not result in an increase in the number of bedrooms within the building unless such increase is consistent with the provisions of the SR-M or SR-H zoning district.

5.2 SECTION 56: Amend Section 35-162.1 of Section 35-162, Nonconforming Buildings and Structures, to add language allowing structural alterations, subject to restrictions, to nonconforming structures if they are historical landmarks.

1. *Structural Change.* A nonconforming structure may be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article. Seismic retrofits, as defined in Section 35-58 and pursuant to Section 35-169.2.1.m, are allowed throughout the conforming and nonconforming portions of the structure or building. No living quarters may be extended into an accessory building located in the required front, side, or rear yards by such addition or enlargement.

a. Exceptions: A nonconforming structure may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:

1) The structure has been declared to be a historical landmark pursuant to a resolution of the Board of Supervisors may be structurally altered provided that the County Historical Landmarks Advisory Commission has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term and has reviewed and approved the proposed structural alterations.

6. DIVISION 11, PERMIT PROCEDURES: Amend Section 35-169, Coastal Development Permits; Section 35-172.4, Conditional Use Permits, and Section 35-174, Development Plans.

6.1 SECTION 57: Amend Section 35-169.2.1.b of Section 35-169, Coastal Development Permits, to delete the reference to specific heights and instead have the section refer to the text in the General Regulations section.

b. ~~Except with a fence or wall obstructs public access to the beach, fences and walls of six feet or less and gateposts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gate posts of ten (10) feet in height located outside of front yard setback areas and not closer than twenty (20) feet to the right-of-way line of any street. fences, walls, gates and gateposts pursuant to Sec. 35-123 (Fences, Walls, Gates and Gateposts).~~

6.2 SECTION 58: Amend Section 35-169.2.2 of Section 35-169, Coastal Development Permits, to clarify the language regarding when a development plan is required due to the existing and proposed area of structures.

2. ~~For buildings and structures that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or~~

~~more, a Development Plan as provided in Sec. 35-174. (Development Plans) shall be required prior to the issuance of any Coastal Development Permit.~~

The approval of a development plan as provided in Sec. 35-174 (Development Plans) shall be required prior to the approval of any coastal development permit for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, together with existing structures on the lot will total 20,000 square feet or more of gross floor area.

- 6.3 **SECTION 59:** Amend Section 35-172.4. of Section 35-172, Conditional Use Permits, to (1) to delete the reference to specific heights in Section 35-172.4.1 and instead have the section refer to the text in the General Regulations section, (2) delete the reference to the sale of agricultural products Section 35-172.4.3 since this is covered in the proposed Section 35-131, Agricultural Sales, and (3) add language in the new Section 35-172.4.3 that references the proposed Section 35-144I, Wildlife Species Rehabilitation.

**Sec. 35-172.4. Minor Conditional Use Permits.**

*The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-172.9 (Findings).*

1. ~~Fences and walls of more than six (6) feet and gate posts of more than eight (8) feet in height when located within the front yard setback or when located within the side yard setback and closer than twenty (20) feet to the right of way of any street. Within areas of the side yard setback that are more than twenty (20) feet from the right of way of any street or within the rear yard setback, fences and walls of more than eight (8) feet and gateposts of more than ten (10) feet in height.~~ Fences, walls, gates and gateposts pursuant to Sec. 35-123 (Fences, Walls, Gates and Gateposts).
2. *Special Care Homes, except as provided in Section 35-143.4.*
3. ~~Sale of agricultural products grown on the premises, subject to the provisions of Section 35-172.12.9.~~
4. *Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article, except as provided in Sec. 35-144I (Wildlife Species Rehabilitation).*
54. *Communication facilities, as specified in and governed by Sec. 35-144F.*
65. *Child care facilities, as defined in Section 35-58, Definitions.*
76. *Uses, buildings, and structures accessory and customarily incidental to the above uses.*

- 6.4 **SECTION 60:** Amend Section 35-172.6.2 of Section 35-172, Conditional Use Permits, to specify that in certain situation if a development plan is required in addition to a conditional use permit, then, in limited situations, where the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan would also be under the jurisdiction of the Zoning Administrator.

2. *In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition*

to obtaining a Conditional Use Permit. Notwithstanding the requirements of Sec. 35-144B (General Regulations – Applications That Are Within The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-174 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:

- a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
- b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.

- 6.5 **SECTION 61:** Amend Section 35-174.2 of Section 35-174, Development Plans, to (1) delete references to zone districts that are being deleted, and (2) clarify the language regarding the processing of “as-built” development plans.

**Sec. 35-174.2. Applicability.**

1. No permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a Preliminary and/or Final Development Plan has been approved as provided below.
2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
  - a) ~~In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.~~
  - b) ~~Where a project was legally developed without an effective Development Plan and is considered nonconforming due to the absence of a Development Plan, a Final Development Plan may be processed for such “as-built” development.~~  
In all zone districts, Final Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Final Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined pursuant to Sec. 35-174.2.
  - c) Communication facilities as specified in Sec. 35-144F.

- 6.6 **SECTION 62:** Delete Section 35-172.13.6 of Sec. 35-172, Conditional Use Permits, since these regulations are now contained in Section 35-131, Agricultural Sales.

7. DIVISION 12, ADMINISTRATION: Amend Section 35-185, Enforcement, Legal Procedures, and Penalties.

7.1 SECTION 63: Amend Section 35-185.6 of Section 35-185, Enforcement, Legal Procedures, and Penalties, to (1) revise the text to allow collection of administrative costs in all cases instead of just situations where a permit is not required read as follows, and (2) add language regarding cost recovery by way of imposing liens against property that may be collected with the property taxes (based on Gov't. Code Sec. 54988).

**Sec. 35-185.6. Recovery of Costs.**

1. *Purpose and Intent.*

*This section establishes procedures for the recovery of ~~administrative~~ costs, including ~~staff time~~ expended on the enforcement of the provisions of this Article ~~in cases where no permit is required in order to cure a violation~~. The intent of this section is to recoup ~~administrative~~ costs reasonably related to enforcement.*

2. *Definitions.*

*For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein.*

*Owner: The record owner or any person having possession and control of the subject property;*

*Costs: Administrative costs, including staff time expended and reasonably related to enforcement for items including site inspections, summaries, reports, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time.*

3. *The Planning and Development Department shall maintain records of all ~~administrative~~ costs, incurred by responsible County Departments, associated with the processing of violations and enforcement of this Article and shall recover such costs from the property owner as provided herein. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors.*

4. *Notice.*

*Upon investigation and a determination that a violation of any of the provisions of this Article is found to exist, the Director, or any person within the department authorized by the Director, shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all ~~administrative~~ costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:*

**NOTICE**

*The Department of Planning and Development has determined that conditions exist at the property at \_\_\_\_\_ which violate Section \_\_\_\_\_ of the County Code, to wit:  
(description of violation)*

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Notice is hereby given that at the conclusion of this case you will receive a summary of ~~administrative~~ costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$ \_\_\_\_\_ per hour of staff time.

You will have the right to object to these charges by filing a Request for Hearing with the Department of Planning and Development within ~~ten (10)~~ days of service of the summary of charges, pursuant to Section 185.6.6.

Additionally, where a permit(s) is obtained to legalize this violation, you will be subject to a penalty fee, equal to all applicable permit fees, but not to exceed \$2,000.00.

5. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property by certified mail. Said summary shall include a notice in substantially the following form:

NOTICE

If you object to these charges you must file a Request for Hearing on the enclosed form within ~~ten (10)~~ days of the date of this notice.

If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.

If after a hearing the Director affirms the validity of the costs, you will be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity. The amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

The decision of the Director may be appealed to the Santa Barbara County Board of Supervisors pursuant to Sec. 35-182.3 of Chapter 35 of the County Code.

~~In the event that (a) no Request for Hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable~~

~~in a civil action in the name of the County, in any court of competent jurisdiction within the County.~~

6. Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Director on his objections to the proposed costs in accordance with the procedures set forth herein.
  - a. A request for hearing shall be filed with the department within ~~ten (10)~~ days of the service by mail of the Department's summary of costs, on a form provided by the Department.
  - b. Within ~~thirty (30)~~ days of the filing of the request, and on ~~ten (10)~~ days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity thereof.
  - c. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: Whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.
  - d. The Director's decision ~~shall be appealable~~ may be appealed to the Board of Supervisors pursuant to § Sec. 35-182.3.
7. In the event that a request for hearing by the Director is not filed in a timely manner, or that after a hearing the Director affirms the validity of the costs and an appeal to the Board of Supervisors is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.
  - a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a building permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.

- b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and interest.*
- c. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board of Supervisors regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.*
- d. The Board of Supervisors may delegate the holding of the hearing required by Sec. 35-185.6.8 to a hearing board designated by the Board of Supervisors. The hearing board may be the housing appeals board established pursuant to Section 17920.5 of the Health and Safety Code or any other body designated by the Board of Supervisors. The hearing board or body shall make a written recommendation to the Board of Supervisors which shall include factual findings based on evidence introduced at the hearing. The Board of Supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board of Supervisors. Notice in writing of the de novo hearing shall be provided to the owner of the property that is the subject of the enforcement activity at least 10 days in advance of the scheduled hearing.*
- e. If the Board of Supervisors determines that the proposed lien authorized pursuant to subdivision (a) shall become a lien, the body may also cause a notice of lien to be recorded. This lien shall attach upon recordation in the office of the county recorder of the County of Santa Barbara and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.*

## **PUBLIC PARTICIPATION**

In addition to the public hearings before the County Planning Commission, the Montecito Planning Commission, and the Board of Supervisors, public workshops were conducted in regards to the proposed amendments on October 7, 2004 in Santa Barbara and on October 11, 2004 in Santa Maria. Additionally, the proposed amendment regarding agricultural retail sales was reviewed by both the Agricultural Advisory Committee and the Agricultural Preserve Advisory Committee.

## **LCP AMENDMENT SUBMITTAL MATERIAL**

The attached submittal package represents Santa Barbara County's third amendment package for

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calendar year 2003. Pursuant to Section 13552 of Title 14, this submittal package contains the adopted resolution and ordinance, legislative and CEQA findings, staff analysis and reports for the Planning Commission and Board of Supervisors hearings, and all public comment letters and notices. A list of materials included in this submittal package is attached.

A discussion of policy consistency analysis for relevant Coastal Plan policies is included in the County Planning Commission staff report dated October 18, 2004 for the hearing on October 27, 2004, and the Montecito Planning Commission staff report dated October 11, 2004 for the hearing on October 20, 2004.

Please contact me directly at (805) 568-2000 or by e-mail to [noel@co.santa-barbara.ca.us](mailto:noel@co.santa-barbara.ca.us) with any questions regarding this Local Coastal Program amendment application.

Sincerely,



Noel Langle, Management Specialist  
Development Review Division - North

**Attachments**

XC (memo only):

Joseph Centeno, Chair, Board of Supervisors  
Jackie Campbell, Deputy Director, Development Review  
P&D Hearing Support  
Clerk of the Board of Supervisors

**General Package Ordinance Amendment  
Ordinance No. 4557 (04ORD-00000-00021)  
Coastal Commission Certification Submittal 3-2004**

**List of Materials:**

Adopted Amendments (12/7/2004)

- Board of Supervisors Resolution No. 04-351 approving Ordinance No. 4557 and submitting Local Coastal Program amendment to the Coastal Commission
- Board of Supervisors Ordinance No. 4557
- Board of Supervisors Minute Order 12/7/2004
- Board of Supervisors CEQA Exemption
- Board of Supervisors Findings for Approval

Board of Supervisors Hearings (Board letters, presentation materials.)

- 12/7/2004 Public Hearing Presentation
- 12/2/2004 Public Hearing Memorandum (w/o attachments)
- 11/23/2004 Public Hearing Board Agenda Letter(w/o attachments)
- 10/7/2004 Set Hearing Board Agenda Letter

Planning Commission Hearings (Staff reports, presentation materials)

- County Planning Commission presentation for October 27, 2004 hearing
- County Planning Commission staff report dated October 18, 2004 (w/o attachments)
- County Planning Commission memorandum dated November 22, 2004 (w/o attachments)
- County Planning Commission memorandum dated December 1, 2004
- Montecito Planning Commission presentation for October 20, 2004 hearing
- Montecito Planning Commission staff report dated October 11, 2004 (w/o attachments)
- Montecito Planning Commission memorandum dated November 9, 2004 (w/o attachments)

Public Participation (letters, speaker slips, notice of public hearings)

- Public letters received
- Public speaker slips
- Notice of Public Workshop – Santa Barbara
- Notice of Public Workshop – Santa Maria
- Notice of Montecito Planning Commission hearing
- Notice of County Planning Commission hearing
- Notice of Board of Supervisors hearing