



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Montecito Land Use & Development Code



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Attachment B
STB-MAJ-1-09-A and -B
Montecito Land Use and
Development Code

NOTE:

This document is updated on a periodic basis in order to include amendments adopted by the Board of Supervisors. Recently adopted amendments may not yet be incorporated into this copy. Please check with the Planning and Development Department Zoning Information Counter located at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, for information on amendments approved subsequent to the date shown on the front of this publication.

The following replacement pages were published in August 2008 to reflect revisions to the Development Code resulting from the adoption of Ordinance No.4681 (Case No. 08ORD-00000-00007) by the Board of Supervisors on July 15, 2008:

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SANTA BARBARA COUNTY

MONTECITO LAND USE & DEVELOPMENT CODE

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Montecito Land Use & Development Code

DIVISION 35.1

Montecito Development Code Applicability

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CHAPTER 35.400 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

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35.400.010 - Purposes of Development Code

The Santa Barbara County Montecito Land Use and Development Code, hereafter referred to as the "Development Code," constitutes a portion of Chapter 35 of the Santa Barbara County Code. This Development Code carries out the policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Program by classifying and regulating the uses of land and structures within the Montecito Community Plan area, consistent with the Comprehensive Plan and the Local Coastal Program. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Montecito community. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the Montecito community that will assist in protecting the character and stability (social and economic) of agricultural, residential and commercial uses, as well as the character and identity of the Montecito community;
- B. Conserve and protect the Montecito's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- E. Ensure compatibility between different types of development and land use.

35.400.020 - Authority, Relationship to Comprehensive Plan and the Local Coastal Program

- A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30,000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. **Consistency with Comprehensive Plan and Montecito Community Plan and Local Coastal Program.** This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Program. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, Montecito Community Plan and Local Coastal Program and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, Montecito

Community Plan and Local Coastal Program.

- C. Local Coastal Program provisions.** The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with Chapter 9A (Brush Removal Southeasterly Coastal Area and Coastal Zone) and Chapter 14 (Grading), the County's ordinances for the implementation of the Local Coastal Program, in compliance with the California Coastal Act.

35.400.030 - Responsibility for Administration

- A. Responsible bodies and individuals.** This Development Code shall be administered by:
1. The Santa Barbara County Board of Supervisors, hereafter referred to as the "Board;"
 2. The Montecito Planning Commission, hereafter referred to as the "Montecito Commission;"
 3. The Montecito Board of Architectural Review;
 4. The Director of the Santa Barbara County Planning and Development Department, hereafter referred to as the "Director;" and
 5. The Santa Barbara County Planning and Development Department is hereafter referred to as the "Department."
- B. Responsibility and authority of Director.** Whenever this Division refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission, or Board.

35.400.040 - Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the Montecito Community Plan Area, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 35.420.020 (Prerequisites for Development and New Land Uses), and Chapter 35.491 (Nonconforming Uses, Structures, and Lots). No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of Division 35.2 (Montecito Zones and Allowable Land Uses), unless a reduction is allowed in compliance with Section 35.472.180 (Variances), the County's Subdivision Regulations (County Code Chapter 21), and all other applicable requirements of this Development Code.
- C. Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including Chapter 35.491 (Nonconforming Uses, Structures, and Lots). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment, except as otherwise provided by Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
- D. Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that construction, (i.e., the placing of

construction materials in permanent position and fastened in a permanent manner) was lawfully begun prior to the effective date of this Development Code or any Amendment.

E. Incorporation of existing ordinances and development plans. Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

1. Ordinances.

- a. Ordinance No. 453, Article 3.1.
- b. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.
- c. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article IV of Chapter 35 of the County Code.

2. Development Plans, Precise Plans, and Plot Plans.

- a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 453.
- b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.
- c. Development Plans or Plot plans that received a Coastal Development Permit from the State Coastal Commission.
- d. Development Plans previously adopted in compliance with Article II of Chapter 35 of the County Code for property located within the Montecito Community Plan Area.
- e. Development Plans previously adopted in compliance with Article IV of Chapter 35 of the County Code.

F. Conflicting requirements.

- 1. Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise. Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.
- 2. Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
- 3. Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. State, County, Local Agency, and School District sites and facilities.

- 1. Inland Area.** Within the Inland areas of the Montecito Community Plan area, the provisions of this

Development Code do not apply to the following governmental properties and activities.

- a. Development by the Federal Government on leased or Federally owned land.
- b. Development by the County or any district of which the Board is the governing body.
- c. Development within any state university or college.
- d. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
- e. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.

2. Coastal Zone. Within the Coastal Zone of the Montecito Community Plan area, the provisions of this Development Code do not apply to the following governmental properties and activities:

- a. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 USC Section 1453, Federal Coastal Zone Management Act of 1972).
- b. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission in compliance with Public Resources Code Sections 25500 and 30264.
- c. Any development proposed or undertaken within any state university or college, in compliance with Public Resources Code Section 30519.
- d. Repair and maintenance, other than within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board is the governing body.

H. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

35.400.050 - Validity

If any division, section, sentence, clause or phrase of this Development Code is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Development Code. The Board hereby declares that it would have passed this Development Code and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

CHAPTER 35.402 - INTERPRETATION OF CODE PROVISIONS

Sections:

[35.402.010 - Purpose](#)

[35.402.020 - Authority](#)

[35.402.030 - Rules of Interpretation](#)

35.402.010 - Purpose

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.

35.402.020 - Authority

The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation.

35.402.030 - Rules of Interpretation

- A. Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to ..."
- B. Time limits.** Whenever a number of days are specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days, unless specifically stated otherwise.
- C. Zoning Map boundaries.** See Section 35.404.020 (Zoning Map and Zones).
- D. Allowable uses of land.** See Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- E. State law requirements.** Where this Development Code references applicable provisions of State law (e.g., the California Government Code, Coastal Act, Subdivision Map Act, or Public Resources Code) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 35.404 - ZONING MAP

Sections:

[35.404.010 - Purpose](#)

[35.404.020 - Zoning Map and Zones](#)

35.404.010 - Purpose

This Chapter establishes the zones applied to property within the Montecito Community Plan area and adopts the County's Zoning Map.

35.404.020 - Zoning Map and Zones

- A. Zones established.** The Santa Barbara County shall be divided into zones that implement the Santa Barbara County Comprehensive Plan. The zones shown in Table 1-1 (Zones) below, are hereby established, and shall be shown on the Zoning Map.
- B. Inclusion by reference.** The zone boundaries have been adopted by the Board in compliance with Government Code Sections 65800 et seq., and are hereby incorporated into this Development Code by reference as though they were fully included herein.
- C. Zone boundaries.** The boundaries of the zones established by Subsection B. (Inclusion by reference) above, shall be shown upon the map or maps designated as the Santa Barbara County Zoning Map (hereafter referred to as the "Zoning Map") which are on file with the Department.
- D. Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows:
1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
 2. If a zone boundary divides a lot, and the boundary line location is not specified by distances printed on the Zoning Maps, the location of the boundary will be determined by using the scale appearing on the Zoning Maps; and
 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone that applies to the adjoining property on either side of the vacated or abandoned street or alley, or property line resulting from the abandonment.
- E. Map Amendments.** Amendments to the Zoning Map shall follow the process established in Chapter 35.494 (Amendments).
1. The adoption of a Zoning Map Amendment shall be by ordinance.
 2. An exhibit shall be attached to said ordinance that shows in sufficient detail the area that is subject to the Zoning Map Amendment and the zone that the area will be zoned to as a result of the Zoning Map Amendment.

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Agriculture Zone		
AG-I	Agriculture	35.421
Resource Protection Zone		
RMZ	Resource Management	35.422
Residential Zones		
R-1/E-1	One Family Residential	35.423
R-2	Two-Family Residential	
DR	Design Residential	
PRD	Planned Residential Development	
Commercial Zones		
CN	Neighborhood Commercial	35.424
CV	Resort/Visitor-Serving Commercial	
Special Purpose Zones		
PU	Public Utilities	35.425
REC	Recreation	
TC	Transportation Corridor	
Overlay Zones		
AH	Affordable Housing	35.428
ESH	Environmentally Sensitive Habitat	
FA	Flood Hazard	
GMO	Growth Management Ordinance	
HC	Highway 101 Corridor	
H-MON	Montecito Hillside	
SD	Site Design	
VC	View Corridor	

DIVISION 35.2

Montecito Zones and Allowable Land Uses

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CHAPTER 35.420 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- [35.420.010 - Purpose](#)
- [35.420.020 - Prerequisites for Development and New Land Uses](#)
- [35.420.030 - Allowable Development and Planning Permit Requirements](#)
- [35.420.040 - Exemptions from Planning Permit Requirements](#)
- [35.420.050 - Temporary Uses](#)

35.420.010 - Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapter 35.421 through Chapter 35.428.

35.420.020 - Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is in Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. Permit and approval requirements.** Any planning permit or other approval required by Section 35.420.030 (Allowable Development and Planning Permit Requirements) shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, unless such structure or use is listed in Section 35.420.040 (Exemptions from Planning Permit Requirements).
- C. Development standards, conditions of approval, Comprehensive Plan and Montecito Community Plan requirements.** Each land use and structure shall comply with the development standards of this Chapter, the requirements of Division 35.3 through Division 35.7, all other applicable requirements of this Development Code, any applicable conditions imposed by a previously granted planning permit, the Comprehensive Plan and the Montecito Community Plan.
- D. Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.420.030 - Allowable Development and Planning Permit Requirements

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.421 through 35.428, together with the type of planning permit required for each use. Each listed land use type is defined in Division 35.10 (Glossary).
 - 1. Establishment of an allowable use.** Any land use identified by Chapter 35.421 through Chapter 35.428 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code.
 - 2. Use not listed.** A land use not listed in Chapter 35.421 through Chapter 35.428 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as

otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

3. **Similar and compatible use may be allowed.** In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with Section 35.472.170 (Use Determinations):

- a. **Applicable zones:**

- (1) CN (Neighborhood Commercial)
- (2) PU (Public Utilities)
- (3) REC (Recreation)
- (4) TC (Transportation Corridor)

- b. **Applicable standards and permit requirements.** When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- B. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code.

1. **General planning permit requirements.** The allowable land use tables within Chapter 35.421 through Chapter 35.425 provide for land uses that are:

- a. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110). These are shown as "P" uses in the tables;
- b. Allowed subject to the approval of a Conditional Use Permit (Section 35.472.060), and shown as "CUP" uses in the tables;
- c. Allowed as an exempt use as listed in Section 35.420.040 (Exemptions from Planning Permit Requirements) and shown as "E" uses in the tables.
- d. Allowed subject to the type of County approval required by a specific provision of Chapter 35.442 (Standards for Specific Land Uses), and shown as "S" uses in the tables. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use; and
- e. Not allowed in particular zones, and shown as "—" in the tables.

A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with Chapter 35.428 (Montecito Overlay Zones), or if allowed in compliance with Division 35.4 (Montecito Standards for Specific Land Uses).

2. **Design Review.** Development authorized in compliance with Subsection B.1 (General planning permit requirements) above, may also require Design Review approval in compliance with Section 35.472.070 (Design Review).

3. **Coastal Development Permit.** Proposed development and land uses within the Coastal Zone shall require the approval of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), unless located within the original permit jurisdiction of the Coastal Commission, in which case a Land Use Permit is required following the issuance of a Coastal Development Permit by the Coastal Commission.

35.420.040 - Exemptions from Planning Permit Requirements

The requirements of this Development Code that one or more planning permits (e.g., Coastal Development Permit, Land Use Permit, Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

- A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:
 1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Chapter 35.491 (Nonconforming Uses, Structures, and Lots); and
 2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).
- B. **Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemption) above, except if addressed by the Environmentally Sensitive Habitat overlay zone within the Coastal Zone.
 1. **Activities and structures exempt both within the Inland area and the Coastal Zone.** The following activities and structures are exempt in compliance with this Section when located either in the Inland area or the Coastal Zone.
 - a. **Animal keeping.** Animal keeping when shown as an "E" in Section 35.442.040 (Animal Keeping).
 - b. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see [Section 35.444.020 \(Noncommercial Telecommunications Facilities\)](#).
 - c. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapter 35.421 through Chapter 35.425.
 - d. **Fences, gates, gateposts, walls.** See Section 35.430.070 (Fences and Walls).
 - e. **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
 - f. **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapter 35.421 through Chapter 35.425 and the Animal Keeping Table (Table 4-1) in Section 35.442.040 (Animal

Keeping).

- g. **Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
 - h. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
 - i. **Minor additions and accessory structures.** The following improvements and structures are exempt from planning permit requirements within the Inland area, and are exempt within the Coastal Zone provided that the lot on which the improvement is proposed is not within 300 feet of the edge of a coastal bluff, or the inland extent of any beach, and is not within or contiguous to an Environmentally Sensitive Habitat area.
 - (1) **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, roof area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - (2) **Decks, platforms, walk, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
 - (3) **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall.
 - (4) **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
 - j. **Propane tanks.** Propane tanks located in residential or agricultural zones.
 - k. **Repair and maintenance.** Repair and maintenance activities that:
 - (1) Do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.
 - (2) Within the Coastal Zone, comply with the County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development Within the Coastal Zone Only (See Appendix C).
 - l. **Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
 - m. **Signs, flags, and devices.** Signs, flags and devices in compliance with Section 35.438.030 (Exempt Signs, Flags, and Devices).
 - n. **Solar energy collectors.** The addition of solar energy collection systems to the roofs of existing structures.
2. **Activities and structures exempt within the Inland area.** The following activities and structures are exempt within the Inland area, in addition to those listed in Subsection B.1 (Activities and

structure exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Coastal Zone.

- a. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.
 - (1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure. For the purposes of this Section only, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - (2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).
 - b. **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
 - c. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including vesting Tentative Maps.
 - d. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
 - e. **Onsite wastewater treatment systems.** Onsite wastewater treatment systems and the installation and performance testing of dry wells for sewage disposal.
 - f. **Utility facilities.** Poles, wires, underground pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.
 - g. **Water wells.**
 - (1) The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
 - (2) Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.
 - h. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
3. **Activities and structures exempt within Coastal Zone.** The following activities and structures are exempt within the Coastal Zone in addition to those listed in Subsection B.1 (Activities and structures exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Inland area.
- a. **Agricultural accessory structures.** In the AG-I zone, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have any plumbing or electrical facilities.
 - b. **Damaged or destroyed structure.** In compliance with the intent of Public Resources Code Section 30610(g) and this Development Code, the restoration or reconstruction of a conforming structure (other than a public works facility) damaged or destroyed by a disaster, as determined by the Director. For the purposes of this Section only, disaster is defined as a

situation in which the force or forces that destroyed the structure to be replaced were beyond the control of the owners.

- (1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section, "structure" shall include landscaping and any erosion control structure or device; and bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - (2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).
- c. **Development subject to State approval.** Development proposed or undertaken on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, in compliance with Public Resources Code Section 30519.
 - d. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map, except vesting Tentative Maps.
 - e. **Individual sewage treatment systems.** The installation and performance testing of dry wells for sewage disposal.
 - f. **Utility connection to approved development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (Section 35.472.050).
 - g. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director, except for telecommunications facilities allowed in compliance with Chapter 35.444 (Telecommunications Facilities).

35.420.050 - Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in Section 35.442.180 (Temporary Uses and Trailers).

CHAPTER 35.421 - AGRICULTURAL ZONE

Sections:

- [35.421.010 - Purpose](#)
- [35.421.020 - Purpose of the Agricultural Zone](#)
- [35.421.030 - Agricultural Zone Allowable Land Uses](#)
- [35.421.040 - Agricultural Zone Lot Standards](#)
- [35.421.050 - Agricultural Zone Development Standards](#)
- [35.421.060 - AG-I Zone Standards](#)

35.421.010 - Purpose

This Chapter lists the land uses that may be allowed within the Agricultural zone established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.421.020 - Purpose of the Agricultural Zone

The Agricultural (AG-I) zone is applied to areas appropriate for agricultural use within Urban areas, as designated on the Comprehensive Plan maps. The intent is to preserve prime agricultural soils.

35.421.030 - Agricultural Zone Allowable Land Uses

- A. General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) identifies the uses of land allowed by this Development Code in the Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for a structure, other than an agricultural reservoir located in the Coastal Zone, that is not otherwise required by this Development Code to have discretionary permit approval, 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 site will total 20,000 square feet or more in gross floor area.
- D. Design review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. Accessory structures and uses.** Each use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zone) may include accessory structures and uses that are customarily incidental to the primary use.

Table 2-1 Allowed Land Uses and Permit Requirements for the Agricultural Zone	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use or Coastal Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-I CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P	P	35.442.020
Agricultural processing - on premise products	P	P	
Agricultural processing - off premise products	CUP	CUP	35.421.060.C
Animal keeping (except for equestrian facilities - see RECREATION below)	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P	35.442.110

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Equestrian facilities	CUP	CUP	
Meeting facility, religious	CUP	CUP	
School	CUP	CUP	
Sports facility, field sports	CUP	CUP	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	CUP	CUP	35.421.060.A
Artist Studio	P	P	35.442.120
Dwelling, one-family (3)	P	P	
Guesthouse	P	P	35.442.120
Home occupation	P	P	35.442.130
Residential accessory uses and structures	P	P	35.442.020
Special care home, 7 or more clients	CUP	CUP	35.442.070

RETAIL TRADE

Agricultural product sales	P	P	35.421.060.B

SERVICES

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	35.442.070
Child care center, Residential	CUP	CUP	35.442.070
Medical services - Animal hospital	CUP	CUP	

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.421.030.C.
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140.

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for the Agricultural Zone	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use or Coastal Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-I CZ	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area	—	P	
Road, street 20,000 sf or more total area	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	
Utility service line with 5 or more connections (6)	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	
Wastewater treatment system, individual	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water diversion project	—	CUP	
Water or sewer system pump or lift station	CUP	P	
Water system with 1 connection	E	P	
Water system with 2 or more connections	CUP	CUP (7)	
Water well, agricultural	E	P	

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.421.030.C (Development Plan Approval Required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside the Coastal Zone.
- (7) Limited to a maximum of 199 connections.

35.421.040 - Agricultural Zone Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. Minimum lot area.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-2 (Minimum Lot Area/Building Site Area).
- B. Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with the minimum gross area shown in Table 2-2 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot unless it is a fraction lot.

Table 2-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres

35.421.050 - Agricultural Zone Development Standards

Development within the Agricultural zone shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (Agricultural Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code. These standards apply within the Coastal Zone and Inland area.

Table 2-3 - Agricultural Development Standards

Development Feature	Requirement by Zone
	AG-I & AG-I (CZ) - Agriculture I
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>
Maximum density	1 one-family dwelling per lot; plus agricultural employee housing where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.421.040 (Agricultural Zone Lot Standards) above.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width 10 ft minimum Lot 100 ft wide or more Same as primary front setback.
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.
Rear	20 ft; 25 ft on a lot of less than 1 acre.
Building separation	None except as required by Building Code
Site Coverage	See Section 35.442.110 (Greenhouses)
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>
Maximum height	35 f
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.
Landscaping	See Chapter 35.434 (Landscaping Standards).
Parking	See Chapter 35.436 (Parking and Loading Standards).
Signs	See Chapter 35.438 (Sign Standards).

35.421.060 - AG-I Zone Standards

Proposed development and new land uses within the AG-I zone shall comply with the following standards, in addition to those in Section 35.421.050 (Agricultural Zone Development Standards).

- A. Agricultural employee dwellings.** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:
1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and
 2. The applicant provides proof of the full-time employment of the employees.
- B. Agricultural Product Sales.** The sale of agricultural products produced on the premises is allowed in compliance with the following:
1. The sale is conducted either within an existing agricultural structure or from a separate stand not exceeding 200 square feet; and
 2. The stand is located no closer than 20 feet to the right-of-way line.
- C. Agricultural processing - off-premise products.** Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
1. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of the County);
 2. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of the County for local processing, distribution, or sale;
 3. The primary intent of the development of this facility shall be to serve south coast agriculture;
 4. The products are determined by the Montecito Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands;
 5. The facility processes products grown on the premises or on other local agricultural lands;
 6. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements);
 7. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible; and
 8. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this Section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

CHAPTER 35.422 - RESOURCE PROTECTION ZONE

Sections:

- [35.422.010 - Purpose](#)
- [35.422.020 - Purpose of the Resource Protection Zone](#)
- [35.422.030 - Resource Protection Zone Allowable Land Uses](#)
- [35.422.040 - Resource Protection Zone Lot Standards](#)
- [35.422.050 - Resource Protection Zone Development Standards](#)
- [35.422.060 - Resource Protection Zone Findings for Project Approval](#)

35.422.010 - Purpose

This Chapter lists the land uses that may be allowed within the Resource Protection zone established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.422.020 - Purpose of the Resource Protection Zone

- A. Applicability.** The Resource Management Zone (RMZ) is applied only within the Inland area to protect lands that are unsuited for intensive development and that have:
1. Slopes in excess of 40 percent; or
 2. Valleys surrounded by slopes exceeding 40 percent; or
 3. Isolated table land surrounded by slopes exceeding 40 percent; or
 4. Areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds.
- B. Intent.** The intent is to limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

35.422.030 - Resource Protection Zone Allowable Land Uses

- A. General permit requirements.** Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) identifies the uses of land allowed by this Development Code in the Resource Management Zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or the issuance of a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) for all development, including grading.
- D. Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070

(Design Review).

E. Accessory Structures and Uses. Accessory structures and uses that are customarily incidental to the primary use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zone) are not allowed except as follows:

- 1. Swimming Pools and Water Storage Tanks.** Swimming pools and water storage tanks shall be approved or conditionally approved as accessory structures in compliance with Section 35.472.080 (Development Plans).

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use or Coastal Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	RMZ		

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	35.442.040
Aquaculture	CUP	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Education or research facility, limited	CUP	
Meeting facility, religious	CUP	
Rural recreation	CUP	
School	CUP	
Spa	CUP	35.442.170

RESIDENTIAL

Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070

SERVICES

Large family day care home	P	35.442.070
Small family day care home	E	35.442.070
Child care center, Non-residential	CUP	35.442.070
Child care center, Residential	CUP	35.442.070

Key to Zone Symbols

RMZ	Resource Management

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use or Coastal Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	RMZ		
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE			
Electrical substation - Minor (3)	CUP		
Electrical substation - Major (3)	CUP		
Electrical transmission line (4)	CUP		
Private services and utilities	CUP		
Public works and utilities	CUP		
Telecommunications facility	S		35.444

WATER SUPPLY & WASTEWATER FACILITIES

Reservoir, less than 20,000 sf of total development	CUP	
Reservoir, 20,000 sf or more of total development	CUP	
Wastewater treatment system, individual, alternative	CUP	
Wastewater treatment system, individual	E	
Wastewater treatment facility, less than 200 connections	CUP	
Water or sewer system pump or lift station	CUP	
Water system with 1 connection	E	
Water system with 2 or more connections	CUP	
Water well, agricultural	E	

Key to Zone Symbols

RMZ	Resource Management

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

35.422.040 - Resource Protection Zone Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. Minimum lot size.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-5 (Minimum Lot Area/Building Site Area). Minimum lot width and depth shall be determined by the review authority through the subdivision approval process.
- B. Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with the minimum gross area shown in Table 2-5 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot, except for a fraction lot.

Table 2-5 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
RMZ-40	40 acres
RMZ-100	100 acres
RMZ-320	320 acres
RMZ-640	640 acres

35.422.050 - Resource Protection Zone Development Standards

- A. Development Standards.** Development within the Resource Management Zone shall be designed, constructed, and established in compliance with the requirements in Table 2-6 (Resource Protection Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-6 - Resource Protection Zone Development Standards

Development Feature	Requirement by Zone
	RMZ - Resource Management
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>
Maximum density	1 one-family dwelling per lot.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>
Front - Primary	50 ft from road centerline and 20 ft from edge of right-of-way.
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum
Side and Rear	Lot 100 ft wide or more - Same as primary front setback.
Building separation	20 ft
	10 ft
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height limit exceptions.</i>
Maximum height	25 ft
Landscaping	See Chapter 35.434 (Landscaping Standards).
Parking	See Chapter 35.436 (Parking and Loading Standards).
Signs	See Chapter 35.438 (Sign Standards).

35.422.060 - Resource Protection Zone Findings for Project Approval

The approval of a Conditional Use Permit in the Resource Protection Zone shall require that the review authority first make the findings in Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)).

CHAPTER 35.423 - RESIDENTIAL ZONES

Sections:

- [35.423.010 - Purpose](#)
- [35.423.020 - Purposes of the Residential Zones](#)
- [35.423.030 - Residential Zones Allowable Land Uses](#)
- [35.423.050 - Residential Zones Development Standards](#)
- [35.423.060 - DR Zone Standards](#)
- [35.423.070 - PRD Zone Standards](#)

35.423.010 - Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by Section 35.404.020 (Zoning Map and Zones) that are applied to property in Montecito, determines the type of planning permit required for each land use, and provides basic standards for site layout and building size.

35.423.020 - Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied within the Montecito Community Plan area are as follows:

- A. R-1/E-1 (One-Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.
- B. R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- C. DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.
- D. PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:
 - 1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
 - 2. Encourage clustering of structures to preserve a maximum amount of open space;
 - 3. Allow for a diversity of housing types; and
 - 4. Provide recreational opportunities for use by both the residents of the site and the public.

35.423.030 - Residential Zones Allowable Land Uses

- A. General permit requirements.** Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for the Residential Zones) identify the uses of land allowed by this Development Code in each residential

zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in the tables includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:
- 1. R-1/E-1 and R-2 zones.** Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, 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 same lot will total 20,000 square feet or more in gross floor area.
 - 2. DR zone.** Final Development Plan approval is required for all development, including grading, except that the development of one, one-family dwelling and its accessory uses and structures on a single lot does not require Development Plan approval unless required in compliance with Subsection C.1 above. Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).
 - 3. PRD zone.** Final Development Plan approval is required for all development, including grading.
- D. Design Review required.** Design Review may be also required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. Accessory structures and uses.** Each use allowed by Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the uses and structures are:
1. Within the R-1/E-1, R-2 and DR zones, when accessory to dwellings, for the exclusive use of the residents of the site and their guests, and do not involve a commercial enterprise on the site; and
 2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	CUP	CUP	35.442.110

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	P	P	P	
Conference center	—	CUP	—	—	35.442.080
Country club, swim and tennis club	CUP	CUP	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playgrounds - Commercial	—	—	—	—	
Park, playgrounds - Private	—	—	—	—	
Park, playground - Public	P	P	P	P	
Private residential recreation facility	—	—	—	—	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

RESIDENTIAL

Artist studio	P	P	—	—	35.442.120
Dwelling, one-family (3)	P	P	P	P	35.442.140
Dwelling, two-family	—	—	P	P	
Dwelling, multiple	—	—	—	—	
Guesthouse	P	P	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	—	—	
Residential second unit	P	P	—	—	35.442.160
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

SERVICES

Cemetery	—	CUP	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	—	—	—	—	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	CUP	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	CUP	—	—	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public safety facility (7)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	E	P	E	P	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (7) May include paramedic services associated with a fire station.
- (8) Limited to a maximum of 199 connections.

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	P (3)	—	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	P	—	—	
Conference center	—	—	—	—	
Country club, swim and tennis club	—	—	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Golf driving range	—	—	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Parks, playgrounds - Commercial	—	—	—	—	
Parks, playgrounds - Private	—	—	—	—	
Parks, playground - Public	P	P	—	—	
Private residential recreation facility	P	P	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

RESIDENTIAL

Artist studio	—	—	—	—	
Dwelling, one-family	P	P	P	P	
Dwelling, two-family	P	P	P	P	
Dwelling, multiple	P	P	P	P	
Guesthouse	—	—	—	—	
Home occupation	P	P	P	P	35.442.130
Mobile home parks	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	CUP	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	P	P	P	P	
Residential second unit	—	—	—	—	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

SERVICES

Cemetery	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
LAND USE (1)	DR	DR CZ	PRD	PRD CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public safety facility (7)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) May include paramedic services associated with a fire station.
- (7) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (8) Limited to a maximum of 199 connections.

35.423.040 - Residential Zones Lot Standards**A. Minimum lot size.**

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-9 (Minimum Lot Size). Area requirements are gross or net as noted; minimum lot widths are gross or net, as noted.
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process.

B. Minimum building site area for residential use. Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-9 (Minimum Lot Size); except that:

1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and
2. A dwelling and its accessory structures and uses may be located on a lot of less width.

Table 2-9 - Minimum Lot Size

Zoning Map Symbol	Minimum Lot Area	Minimum Lot Width
7-R-1	7,000 square feet net	65 feet
20-R-1	20,000 square feet net	100 feet
1-E-1	1 acre gross	120 feet
2-E-1	2 acres gross	150 feet
3-E-1	3 acres gross	210 feet
5-E-1	5 acres gross	270 feet
10-E-1	10 acres gross	380 feet
7-R-2	7,000 square feet net	65 feet
DR(1)	Determined by Final Development Plan	
PRD	Determined by Final Development Plan	

- (1) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-11 (DR Zone Maximum Density).

35.423.050 - Residential Zones Development Standards

Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-10 (Residential Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

Table 2-10 Residential Zone Development Standards

Development Feature	Requirement by Zone	
	R-1 /E-1 & R-1/E-1 (CZ) Single Family Residential	R-2 & R-2 (CZ) Two-Family Residential
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	See Subsection 35.423.040.A (Minimum lot size)	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	1 one-family dwelling per lot; plus one second unit where allowed by Section 35.442.160 (Residential Second Units).	1 one-family dwelling or 1 two-family dwelling per lot.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	
Front - Primary	Inland - 50 ft from road centerline and 20 ft from the edge of the right-of-way. Coastal - 50 ft from road centerline and 20 ft from right-of-way, or 20 ft from private easement serving 5 or more lots.	
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.	
Side	10% of lot width, where minimum lot area requirement is: 2 acres or less - 5 ft minimum, 10 ft maximum required; 3 acres or more - 10 ft minimum, 20 ft maximum required.	10% of lot width, 5 ft minimum, 10 ft maximum required.
Rear	Inland - 25 ft Coastal - 25 ft; 15 ft if rear abuts permanent open space or a street without access.	
Accessory structures	See 35.442.020 (Accessory Structures and Uses)	
Building separation	Inland - 10 ft between a dwelling or guesthouse and any other detached structure on the same site. Coastal - 5 ft between a dwelling or guesthouse and another detached structure	
Site coverage	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	None	
Height limit	<i>Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.</i>	
Maximum height	Inland - 35 ft and 2 stories Coastal - 25ft	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Table 2-10 - Residential Zone Development Standards - Continued

Development Feature	Requirement by Zone	
	DR & DR (CZ) Design Residential	PRD & PRD (CZ) Planned Residential Development
Minimum lot size	Minimum area and width for lots proposed in new subdivisions.	
Area, width	None	
Residential density	Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.	
Maximum density	See Table 2-11 (DR Zone Maximum Density)	As specified by the Comprehensive Plan.
Setbacks	Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.	
Front - Primary	Inland - 20 ft from right-of-way Coastal - 50 ft from public road centerline; 45 ft from a private road centerline; 20 ft from a right-of-way.	As determined by Final Development Plan.
Front - Secondary	Inland - 20 ft from right-of-way. Coastal - Lot less than 100 ft wide - 20% of lot width, 10 ft minimum; Lot 100 ft wide or more - same as primary front setback.	
Side	Inland - 10 ft, except where a larger setback is required by the Montecito Commission in the review of a discretionary planning permit for light, air, or privacy. Coastal - One-half the height of the structure subject to the setback.	
Rear	Inland - Same as side. Coastal - One-half the height of the structure subject to the setback.	
Accessory Structures	See Section 35.442.020 (Accessory Structures and Uses).	
Building separation	Inland - 10 ft between a habitable building and any other building on the same site. Coastal - 5 ft between a habitable structure and another structure.	
Site coverage	Maximum percentage of net site area that may be covered by buildings.	
Maximum coverage	Inland - 30 % Coastal - 30% for structures containing dwelling units.	Inland - 30 % Coastal - 30% for structures containing dwelling units; 50% for all structures.
Height limit	Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).	
Maximum height	35 ft	
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Open space	Minimum percentage of gross site area to be maintained as common open space.	
Minimum open space	See Section 35.423.060.B (Open Space)	See Section 35.423.070.E (Open Space)
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.423.060 - DR Zone Standards

Proposed development and new land uses within the DR zone shall comply with the following standards, in addition to those in Section 35.423.050 (Residential Zones Development Standards).

- A. Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-11 (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-11 (DR Zone Maximum Density).

Table 2-11 - DR Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre
DR-1.8	1.8
DR-4.6	4.6
DR-10	10
DR-12	12

B. Open space.

1. Minimum area.

- a. Coastal Zone.** A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.
- b. Inland area.** A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space within the Inland area.

- 2. Title to open space area.** 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 any other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The 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 these areas.

- C. Condominiums, stock cooperatives, community apartments - Inland area.** In the Inland area only, the review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment project where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses):

- 1. Laundry facilities.** Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.
 - a. Affordable housing projects.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.
- 2. Open space.**
 - a. Common.** Common open space and recreation areas shall be designed to provide access for

the handicapped.

- b. **Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.
- 3. **Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.
- 4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.

35.423.070 - PRD Zone Standards

Proposed development and new land uses within the PRD zone shall comply with the following standards, in addition to those in Section 35.423.050 (Residential Zones Development Standards).

- A. **Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with Chapter 35.478 (Specific Plans) prior to the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.
- B. **Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps or Coastal Land Use Plan maps may be set forth in the text of the Comprehensive Plan.
- C. **Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.
- D. **Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department. Street design shall relate to the function of the street and, particularly in hillside areas where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.
- E. **Open space.**
 - 1. **Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:

- a. The need to protect for public use areas historically used by the public such as beaches and trails;
- b. The avoidance of siting of structures in hazardous areas or on steep slopes;
- c. The protection of environmentally sensitive habitat areas and archaeological sites; and
- d. Within the Inland area, the protection of scenic areas of the site.

Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.

2. **Maintenance of public open space.** The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners' Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing maintenance.
3. **Maintenance of common open space.** Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.

F. Homeowners' Association. At the time of submittal of a Preliminary or Final Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Homeowners' Association shall be established before the homes are sold;
2. Membership shall be mandatory for each home buyer and any successive buyer;
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and
5. The Association shall be able to adjust the assessment to meet changed needs.

CHAPTER 35.424 - COMMERCIAL ZONES

Sections:

- 35.424.010 - Purpose
- 35.424.020 - Purposes of the Commercial Zones
- 35.424.030 - Commercial Zones Allowable Land Uses
- 35.424.040 - Commercial Zones Development Standards
- 35.424.050 - CN Zone Standards
- 35.424.060 - CV Zone Standards

35.424.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zones established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.424.020 - Purposes of the Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. **CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.
- B. **CV (Resort/Visitor Serving Commercial) zone.** The CV zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. This zone is not intended for highway related uses that normally service travelers. Where this zone is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.

35.424.030 - Commercial Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) identifies the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for all development, including grading, except that residential units that meet the County's definition of affordable housing with the Housing Element of the Comprehensive Plan.
- D. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in compliance with Section 35.472.070

(Design Review).

- E. Accessory uses and structures.** Each use allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) may include accessory uses and structures that are customarily incidental to the permitted use.

Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	S	S	S	35.442.040

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	—	CUP	
Conference center	—	—	—	P	35.442.080
County club, swim and tennis club	—	—	—	P	
Equestrian facility	—	—	CUP	CUP	
Fairgrounds	—	—	—	—	
Golf course	—	—	P	P	
Golf driving range	—	—	P	P	
Library	P	P	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	P	—	—	
Theater - Performing arts, 100 person maximum capacity	CUP	CUP	—	—	
Trail	—	—	P	P	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	—	CUP	CUP	35.442.060
Home occupation	P	P	P	P	35.442.130
Mixed use project residential component - market rate	CUP	CUP	—	CUP	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

RETAIL TRADE

Drive-through facility	CUP	CUP	—	—	35.442.100
General retail	P	P	—	—	
Grocery and specialty food stores	P	P	—	—	
Health club, spa	P	P	P (3)	P (3)	
Restaurant, café, coffee shop	P	P	P (3)	P (3)	
Service station	P	P	—	—	35.442.050
Visitor serving commercial	—	—	P (3)	P (3)	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	

SERVICES - GENERAL

Cemetery, mausoleum	—	—	—	—	
Charitable or philanthropic organization	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Drive-through, facility	CUP	CUP	—	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	CUP	—	—	
Lodging, Hotel or Motel	—	—	—	P	
Lodging - Resort hotel, guest ranch	—	—	P	P	35.424.060
Personal services	P	P	P (3)	P (3)	
Vehicle services - Minor maintenance/repair	P	P	—	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6)	—	P	—	P	
Flood control project 20,000 sf or more total area (6)	—	CUP	—	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	P	—	P	
Road, street 20,000 sf or more total area (6)	—	CUP	—	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	
Utility service line with 4 or fewer connections (6)	—	P	—	P	
Utility service line with 5 or more connections (6)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (7)	CUP	CUP (7)	

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not allowed in VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (7) Limited to a maximum of 199 connections.

35.424.040 - Commercial Zones Development Standards

Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-13 (Commercial Zones Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-13 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN & CN (CZ) Neighborhood Commercial	CV & CV (CZ) Resort/Visitor Serving Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	See Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) - Residential Uses	
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	
Front - Primary	50 ft from road centerline and 20 ft from right-of-way.	
Front - Secondary	Same as primary front.	Lot less than 100 ft wide - 20% of lot width, 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side	5 ft	20 ft; 50 ft from a lot zoned residential.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	20 ft; 50 ft from a lot zoned residential.
Building separation	Inland - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. Coastal - Buildings contained dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	Inland - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. Coastal - None required.
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft	35 ft and 2 stories.
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Floor Area Ratio	<i>Maximum floor area ratio allowed.</i>	
Maximum FAR	0.25	Inland - 0.10 Coastal - 0.25
Site coverage	<i>Maximum percentage of net site area that may be covered by structures.</i>	
Maximum coverage	30 %	Inland - 30 % Coastal - 33% (gross) on a lot surrounded by residential zoning; no maximum elsewhere.
Open space	<i>Minimum percentage of net site area to be maintained as common open space.</i>	
Minimum open space	No minimum.	40%
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

35.424.050 - CN Zone Standards

Proposed development and new land uses within the CN zone shall comply with the following standards, in addition to those in Section 35.424.040 (Commercial Zones Development Standards).

- A. Mixed use affordable residential unit standards.** Residential units allowed as part of a mixed use project in the CN zone shall be attached to the primary commercial structure, and shall comply with the following standards.
- 1. Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
 - 2. Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
 - 3. Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
- B. Mixed use market-rate residential unit standards.** One or more residential units accessory to a commercial use that do not comply with the affordability requirements of Subsection A. (Mixed use affordable residential unit standards) above, shall comply with the following:
- 1. Bedroom limitations.** The total number of bedrooms of the residential development shall not exceed two bedrooms per 1,000 square feet of total gross floor area of commercial development on the same lot.
 - 2. Floor area limitations.** The total gross floor area of the residential development shall not exceed the total gross floor area of the commercial uses
- C. Restaurant, café or coffee shop.** A restaurant, café or coffee shop may include a bar or cocktail lounge only if accessory to the principal use.
- D. Site planning.**
- 1. Enclosure of activities required.** Within the CN zone, the land use types identified by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations and outdoor restaurants, cafes, and tearooms, or other appropriately screened outdoor uses specifically approved by the review authority.
 - 2. Storage areas and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

35.424.060 - CV Zone Standards

Proposed development and new land uses within the CV zone shall comply with the following standards, in addition to those in Section 35.424.040 (Commercial Zones Development Standards).

- A. Allowable uses.**
- 1. Resorts and guest ranches.** Resort and guest ranches shall be of a self-contained, destination-point nature rather than those that primarily provide short-term overnight accommodations for travelers.
 - 2. Visitor serving commercial.** The approval of allowable visitor-serving commercial uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of visitors, is part of a larger resort/visitor-serving facility, and will not substantially change the character of the larger resort/visitor-serving facility of which it is part.
- B. Development standards, general.**
- 1. Height limitations.** Two-thirds of any new or reconstructed buildings which are guest rooms shall

be limited to 16 feet in height except as allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

2. **Limitation on separate occupancies.** New or reconstructed cottages shall be limited to six units (keys) per cottage, except as provided in Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

C. Development standards, hotel resort.

1. **Area.** A hotel shall be located on a lot having a minimum lot area of five acres.
2. **Building limitations.**
 - a. Not less than 80 percent of the sleeping accommodations for guests shall be provided in one-story detached buildings.
 - b. Said buildings shall have an aggregate building area not to exceed one-third of the total area of the site.
 - c. Said buildings shall contain no more than six sleeping rooms.
3. **Personal services.** Hotel resorts shall provide personal services customarily furnished at hotels, including the serving of meals. Such services shall be limited as follows:
 - a. There shall be no advertising displays, visible from a public street.
 - b. Access to the personal services shall be provided from within the hotel resort only and there shall be no outside entrances.

D. Mixed use affordable residential unit standards. Residential units allowed as part of a mixed use project in the CV zone shall be attached to the primary commercial structure, and shall comply with the following standards.

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
4. **Secondary to existing commercial use - Coastal Zone.** In the Coastal Zone, the residential use of the lot shall be secondary to the existing commercial use for projects that have more than one residential unit.

CHAPTER 35.425 - SPECIAL PURPOSE ZONES

Sections:

- 35.425.010 - Purpose
- 35.425.020 - Purposes of the Special Purpose Zones
- 35.425.030 - Special Purpose Zones Allowable Land Uses
- 35.425.040 - Special Purpose Zones Development Standards
- 35.425.050 - PU Zone Standards
- 35.425.060 - REC Zone Additional Standards
- 35.425.070 - TC Zone Standards

35.425.010 - Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.425.020 - Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows.

- A. PU (Public Utilities) zone.** The PU zone is applied to areas appropriate for the siting of public works and utility facilities; however, the requirements of this zone do not apply to local agencies exempted by Section 35.420.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- B. REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.
- C. TC (Transportation Corridor) zone.** The TC zone is applied to established and proposed transportation corridors to regulate land uses within and adjacent to the corridors, to preserve and protect the corridors, and to provide uniform development standards.
 - 1. Notwithstanding any provision of this Development Code, this zone applies local authority to transportation corridor-related matters of public health, safety and welfare, land use, and zoning, insofar as the exercise of this authority does not conflict with applicable general law. The further intent of this zone is to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan.
 - 2. County review of TC development recognizes that transportation facilities may cause adverse impacts on surrounding residents and properties, including, for example, noise, vibration, emissions, pollutants, run-off, odors, visual appearance, detracting from natural scenic values, electrical interference, and potential for hazards and disasters, and that transportation facilities may also be adversely affected by incompatible uses nearby. This review is not intended to regulate or interfere with road or railway operations, but instead evaluates alternative routes for proposed corridors, and analyzes TC development to avoid or feasibly mitigate potentially significant, adverse environmental impacts.
 - 3. Major transportation corridors parallel the coastline, often in close proximity to the shoreline. As such, the corridors can attract, or even constitute the only feasible location for competing land uses

such as pipelines, utility cables, bikeways and other non-motorized modes of transportation. Transportation corridors may also act as a potential barrier to recreational access to and along the coast, as well as to other land uses afforded high priority under the Coastal Act. It is the intent of this TC zone to accommodate these priority uses within the transportation corridor wherever feasible.

35.425.030 - Special Purpose Zones Allowable Land Uses

- A. General permit requirements.** Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. Requirements for certain specific land uses.** Where the last column (Specific Use Regulations) in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.472.080 is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:
 - 1. PU and REC zones.** Final Development Plan approval is required for all development, including grading.
 - 2. TC zone.** Final Development Plan approval is required for all development, including excavation or grading, except as listed below.
 - a. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of the ordinance creating the TC zone (August 10, 1994) shall not be deemed legal non-conforming uses. This provision is intended to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development, and to allow for the repair of existing facilities.
 - b. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of the TC zone.
- D. Accessory uses and structures.** Each use allowed by Table 2-14 (Specific Use Regulations) may include accessory uses and structures that are customarily incidental to the use, provided that within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).
- E. Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure, in compliance with Section 35.472.070 (Design Review).
- F. TC zone allowable land uses and permit requirements.** The uses allowed as principally permitted in zones abutting a site in the TC zone (i.e., those shown as "P" uses) are also allowed in the TC zone with Conditional Use Permit approval in compliance with Section 35.472.060 (Conditional Use Permits) in addition to the land uses listed in Table 2-14 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) as permitted or conditionally permitted within the TC zone.

Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	REC	REC CZ	PU	PU CZ	TC CZ (3)	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping (except equestrian facilities- see RECREATION below)	S	S	S	S	S	35.442.040

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	P	—	—	—	
Conference center	—	CUP	—	—	—	35.442.080
County club, swim and tennis club	CUP	CUP	—	—	—	
Equestrian facility	CUP	CUP	—	—	—	
Golf course	P	P	—	—	—	
Library	CUP	CUP	CUP	CUP	—	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	
Museum	CUP	CUP	CUP	CUP	—	
Park, playground - Public	P	P	—	—	—	
School	CUP	CUP	CUP	CUP	—	
Sports & outdoor recreation facilities	CUP	CUP	CUP	CUP	—	
Trail for bicycles, hiking, or riding	P	P	—	—	P	
Zoo	CUP	CUP	—	—	—	

RESIDENTIAL USES

Caretaker/Manager dwelling	CUP	CUP	—	—	—	35.442.060

RETAIL TRADE

Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	CUP (4)	—	—	—	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Extended care	CUP	CUP	CUP	CUP	—	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	
Office - Accessory	P	P	P	P	—	

SERVICES - GENERAL

Large family day care home	P	P	—	—	—	35.442.070
Small family day care home	E	E	—	—	—	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	—	35.442.070
Child care center, Residential	CUP	CUP	—	—	—	35.442.070

Key to Zone Symbols

REC	Recreation	TC	Transportation Corridor
PU	Public Utilities	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C (Development Plan approval required).
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.
- (4) Allowed only in an urban area designated by the Coastal Land Use Plan.

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				
LAND USE (1)	REC	REC CZ	PU	PU CZ	TC CZ (3)
	Specific Use Regulations				

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Boat launching facility accessory to approved recreation use	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	CUP	
Electrical substation - Minor (4)	CUP	CUP	P	P	CUP	
Electrical substation - Major (4)	CUP	—	P	P	—	
Electrical transmission line (5)	CUP	CUP (6)	CUP	CUP (6)	CUP	
Flood control project less than 20,000 sf total area (7)	—	P	—	P	P	
Flood control project 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Freeways and related facilities	—	—	—	—	P	
Pier, dock	—	P	—	—	—	
Public works and utilities	CUP	CUP	CUP	CUP	CUP	
Railroad	—	—	—	—	P	
Road, street less than 20,000 sf total area (7)	—	P	—	P	P	
Road, street 20,000 sf or more total area (7)	—	CUP	—	CUP	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	CUP	
Telecommunications facility	S	S	S	S	S	35.444
Underground gas storage	—	—	P	P	—	
Utility service line with 4 or fewer connections (7)	—	P	—	P	P	
Utility service line with 5 or more connections (7)	—	CUP	—	CUP	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	CUP	
Sewage treatment facility - Central plant	—	—	P	P	—	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	P	
Wastewater treatment facility, less than 200 connections	—	—	—	—	—	
Water or sewer system pump or lift station (8)	CUP	P	CUP	P	P	
Water supply, treatment, storage facilities - Central plant	—	—	P	P	—	
Water system with 1 connection	E	P	E	P	P	
Water system with 2 or more connections	CUP	CUP	CUP	CUP	CUP	
Water well, agricultural	—	—	—	—	—	

Key to Zone Symbols

REC	Recreation	TC	Transportation Corridor
PU	Public Utilities	CZ	Coastal Zone

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C.
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.
- (4) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (5) Does not include electrical transmission lines outside the jurisdiction of the County.
- (6) Not allowed in the VC overlay.
- (7) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (8) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.

35.425.040 - Special Purpose Zones Development Standards

Development within the Special Purpose zones shall be designed, constructed, and established in compliance with the requirements in Table 2-15 (Special Purpose Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-15 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone			
	REC & REC (CZ) Recreation	PU & PU (CZ) Public Utilities	TC (CZ)	
Minimum lot size	Minimum area for lots proposed in new subdivisions.			
Area, width	1 acre	None		
Residential density	Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.			
Maximum density	1 caretaker dwelling.	None allowed.		
Setbacks	Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.			
Front - Primary	Inland - 50 ft from road centerline and 20 ft from edge of right-of-way. Coastal - 10 ft	50 ft from road centerline and 20 ft from edge of right-of-way.	10 ft where lot abuts another zone; except that no setback is required for fences, walls, utility poles (in compliance with the height limits of this Development Code), ingress and egress.	
	Lot less than 100 ft wide - 20% of lot width - 10 ft minimum. Lot 100 ft wide or more - Same as primary front setback.	Same as primary front.		
	Side	Inland - 10 ft; 25 ft from a lot zoned residential. Coastal - 10 ft.	10 ft	Same as primary front.
	Rear	Inland - 10 ft; 25 ft from a lot zoned residential. Coastal - 10 ft	10 ft; 50 ft from a lot zoned residential.	Same as primary front.
	Building separation	None, except as required by Building Code.		
Height limit	Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.			
Maximum height	25 ft	Inland - 35 ft Coastal - 45 ft	25 ft, except for bridges and related equipment, and any structural clearance required by safety or other standards required by State or Federal law.	
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.			

Table 2-15 - Special Purpose Zones Development Standards - Continued

Development Feature	Requirement by Zone		
	REC & REC (CZ) Recreation	PU & PU (CZ) Public Utilities	TC (CZ)
Site coverage	Maximum percentage of net site area that may be covered by structures.		
Maximum coverage	Inland - 20 % Coastal - 10%	None	
Open space	Minimum percentage of net site area to be maintained as common open space.		
Minimum open space	No minimum.		
Landscaping	See Chapter 35.434 (Landscaping Standards).		
Parking	See Chapter 35.436 (Parking and Loading Standards).		
Signs	See Chapter 35.438 (Sign Standards).		

35.425.050 - PU Zone Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
- C. Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

35.425.060 - REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

- A. Coastal Zone development standards.**
 - 1. Prohibition on structures on beach.** No buildings, structures, or facilities shall be located on the dry sandy beach except for those structures that require this location (e.g., lifeguard towers, volleyball nets).
 - 2. Priority for recreational uses.** In any area within 250 feet of the mean high tide line, priority shall

be given to coastal dependent and coastal related recreational activities.

3. **Location of camping facilities.** Camping facilities should be set back from the beach and bluffs and near-shore areas should be reserved for day use activities.

B. Limitation on lodging occupancy. To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

35.425.070 - TC Zone Standards

Proposed development and new land uses within the TC zone shall comply with the following standards, in addition to those in Section 35.425.040 (Special Purpose Zones Development Standards).

A. Land use limitations.

1. **Building and landscape materials sales - outdoor.** Building and landscape materials sales - Outdoor shall be limited to lumber yards.
2. **Temporary loading and shipping facilities.** Temporary loading and shipping facilities are allowed only if subject to a short-term lease of 45 days or less, unless a longer time period is approved by the Montecito Commission.

B. Open storage. The permanent open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots and from public viewing places.

C. Performance standard. All activities shall be conducted in a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the vicinity by reason of danger to life or property.

D. Requirements for transportation project approval. The County shall ensure the identification of feasible methods to provide alternative transportation for the efficient use of the U.S. Highway 101 transportation corridor to accommodate further local, regional, and statewide transportation needs. Prior to the approval of a Coastal Development Permit/Development Plan for major metropolitan transportation investment projects pursuant to Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993, including the addition, relocation, or widening of any lanes, or construction of highway interchanges along U.S. Highway 101, the Commission, or Board of Supervisors on appeal, shall find that the approval complies with either of the following:

1. The project is consistent with the portions of the Santa Barbara Association of Governments' Regional Transportation Plan that are applicable to the County's portion of the Coastal Zone and which (a) includes an alternative transportation mode study as described below, and (b) has been incorporated by amendment into the County's certified Local Coastal Program; or
2. The project sponsor/applicant has completed an alternative transportation mode study to determine the type and extent of improvements needed to accommodate projected transportation levels. The study shall also evaluate the effectiveness and cost of alternative investments or strategies in attaining local, state and national goals and objectives. The study shall consider the costs of reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing, and energy consumption, consistent with federal regulations (Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993). The study shall specifically investigate the feasibility of alternative transportation modes such as, but not limited to, lanes dedicated to public commuter vehicles or multiple rider vehicles; mass transportation systems such as rail service; or other means of increasing the efficient use of the transportation corridor. The study shall also investigate the feasibility of accommodating non-motorized traffic through the development of recreational trails

or commuter bikeways as an integral part of the transportation corridor.

3. For the purposes of satisfying the application filing requirements relative to this standard for a Coastal Development Permit/Development Plan, the scope of the alternative transportation modes study shall be developed jointly by the Department and the Santa Barbara County Association of Governments and shall be both proportionate and related to the scope of the proposed development. Further, the alternative transportation modes studies shall be coordinated with the cities within the Santa Barbara County Coastal Zone, and with San Luis Obispo and Ventura Counties. The informational requirements under this standard will be deemed to be met upon a determination by the Director that the scope of work has been fulfilled through the completion of the alternative transportation modes study.
4. As an alternative to the above study, the Director may determine that the environmental review for a project on U.S. Highway 101, or any combination of existing studies, adequately satisfies this application filing requirement. In this instance, no further study shall be required, providing that the information upon which the environmental review or other studies is based is current. This determination shall be based on finding that the study/documents contain an adequate analysis of the plans, methods, and potential actions to implement feasible alternative transportation modes as described above.
5. The cost of complying with either Subsections D.1 or D.2, above, shall be the responsibility of the project sponsor/applicant. The application for a Coastal Development Permit/Development Plan shall be deemed complete only after this requirement is satisfied.

CHAPTER 35.428 - MONTECITO OVERLAY ZONES

Sections:

- 35.428.010 - Purpose
- 35.428.020 - Applicability of the Overlay Zones
- 35.428.030 - Affordable Housing (AH) Overlay Zone
- 35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone
- 35.428.050 - Flood Hazard (FA) Overlay Zone
- 35.428.060 - Growth Management Ordinance (GMO) Overlay Zone
- 35.428.070 - Montecito Hillside (H-MON) Overlay Zone - Inland area
- 35.428.080 - Site Design (SD) Overlay Zone - Coastal Zone
- 35.428.090 - View Corridor (VC) Overlay Zone - Coastal Zone

35.428.010 - Purpose

This Chapter provides additional standards designed to protect sensitive resources, ensure reasonable development and housing opportunities and to promote the public health, safety and welfare of the community.

35.428.020 - Applicability of the Overlay Zones

The provisions of this Chapter apply to development and land uses in addition to all other applicable requirements of this Development Code. Any conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Subsection 35.400.040.F (Conflicting requirements) or as specifically indicated within the following Sections of this Chapter.

- A. Mapping of overlay zones.** The applicability of any overlay zone to a specific site is shown by the overlay zone Zoning Map symbol established by Section 35.404.020 (Zoning Map and Zones) being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the rezoning process in compliance with Chapter 35.494 (Amendments) subject to any specific rezoning requirements of the applicable overlay zone.
- B. Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay zone:
 1. Any land use normally allowed in the primary zone by this Chapter may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
 2. Development and land uses within an overlay zone shall obtain the planning permits required by this Chapter for the primary zone, and the overlay zone, as applicable; and
 3. Development and land uses within an overlay zone shall comply with all applicable development standards of the primary zone and the overlay zone, except as modified by this Chapter.

35.428.030 - Affordable Housing (AH) Overlay Zone

- A. Purpose and intent.** The Affordable Housing (AH) overlay zone is intended to promote affordable housing production, and implement the policies of the Housing Element by providing substantial incentives to developers through standards of development and performance.
- B. Applicability.**
 1. **Density bonus.** A residential development project within the AH overlay zone is eligible for increased density up to the maximum number of units designated by the overlay zone on the Zoning Map; provided that either:

- a. 30 percent or more of all new units are available to very low income households; or
- b. 50 percent or more of all new units are available to a mix of very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each income category as indicated in Table 2-16 (AH Overlay 50% Mix Allotment) below:

Table 2-16 - AH Overlay Zone - 50% Mix Allotment

Affordable Housing Overlay (AHO) Density	Very Low (0% to 50% of median income)	Low (>50% to 80% of median income)	Lower Moderate (>80% to 100% of median income)	Upper Moderate (>100% to 120% of median income)
AHO density represents a 50% or greater increase over base density	Not applicable	50%	25%	5%
AHO density represents less than a 50% increase over base density	Not applicable	33%	33%	34%

The density increase shall be inclusive of the density bonus authorized by state law (e.g., density increase must be at least 20 percent over the base density as required by Government Code Section 65915 and 65918 or successor statutes). The maximum density for a lot within the AH overlay zone shall be indicated on the Zoning Map.

2. **Relationship to primary zone.** Each land use and proposed development within the AH overlay zone shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section.

- a. **Coastal Zone.** In the Coastal Zone, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of the Coastal Land Use Plan shall control.
- b. **Inland area.** In the Inland area, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.

- C. **Allowable land uses.** The following land use types may be permitted on a site within the AH overlay zone:

1. Any land use allowed in the primary zone, subject to the permit requirements established by the primary zone for the use; and
2. With the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans), one-family dwellings, two-family dwellings, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, that contain a minimum of either 30 percent or 50 percent affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income households.

- D. **Permit and processing requirements.**

1. **Final Development Plan required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.
2. **Fast track processing.** Each qualifying AH overlay zone project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines to ensure that each AH

overlay zone project receives timely and preferential processing.

3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

E. Modifications to Development Code requirements. The approval of a Final Development Plan for a site located on property zoned with the AH overlay zone may include the following modifications to requirements of this Development Code, in addition to the density modifications provided by Subsection B.1 (Density bonus) above.

1. **Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Montecito Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.
2. **Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.
3. **Development Standards.** The following modifications may be approved for all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones, provided that the modifications are consistent with all applicable provisions of the Coastal Land Use Plan for projects in the Coastal Zone.
 1. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
 2. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

G. Affordable housing agreement. Prior to issuance of a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) for an AH overlay zone project, each project shall record an affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines:

1. The sales and/or rental prices for the various types of units to be established; and
2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability of units for purchase or occupancy by target households, in compliance with the Housing Element.

35.428.040 - Environmentally Sensitive Habitat (ESH) Overlay Zone

A. Purpose and intent. The Environmentally Sensitive Habitat Area (ESH) overlay zone is applied to areas with unique natural resources and/or endangered animal or plant species, where existing and potential development and other activities may despoil or eliminate the resources. This overlay zone is intended to:

1. Protect and preserve specified areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem, and that could be easily disturbed or degraded by human activities and developments; and
2. Ensure that development permitted in the overlay zone is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

B. Applicability.

1. **Determination of applicability.** The zoning map shall guide determining whether this overlay zone applies to any area of land or water. If a particular lot or lots within an ESH overlay zone are determined by the Director not to contain the pertinent species or habitat, the regulations of this overlay zone shall not apply.
2. **Identification of newly documented sensitive habitat areas.** If an environmentally sensitive habitat area is identified by the Director to be onsite during permit application review, but the habitat area does not have an ESH overlay zone designation, the applicable requirements of Subsection C through Subsection O below, shall apply to the development. The Director will periodically update the zoning map to apply the ESH overlay zone to the new habitat areas and applicable setback areas (including the 250-foot area around the habitat).
3. **Relationship to primary zone.** Each land use and proposed development within the ESH overlay zone shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.
4. **Relationship to overlay zone.** Each land use and proposed development within the ESH overlay zone shall comply with all applicable requirements of any additional overlay zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the any other overlay zone, the requirements of this Section shall control.

C. Permit and processing requirements. An application for development within the ESH overlay zone shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the requirements of this Section.

1. **Application review - Inland area.** Upon receipt of an application for development within the ESH overlay zone, the Director shall determine if the proposed development is located in or within 100 feet of an environmentally sensitive habitat area.
 - a. **Site inspection.**
 - (1) If the Director determines that the proposed development is located in or within 100 feet of an environmentally sensitive habitat area, a site inspection shall be required, if the Director determines it necessary, by a qualified biologist to be selected jointly by the Director and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the applicable development standards in Subsection D. through Subsection N. below.
 - (2) If the Director determines that the proposed development is not located in or within 100 feet of an environmentally sensitive habitat area, then a site inspection by a qualified biologist is not required.
2. **Application review - Coastal Zone.** Upon receipt of an application for development within the ESH overlay zone, the Director shall determine the potential of the proposed development to

adversely impact an environmentally sensitive habitat area.

- a. **Project with no adverse impact.** If the proposed development is exempt from the California Environmental Quality Act and is determined by the Director to have no potential for adverse impact on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Director shall approve the permit in compliance with Subsection C.3 (Findings required for Coastal Development Permit or Land Use Permit approval) below.
- b. **Project with potential adverse impact.** If the proposed development is exempt from the California Environmental Quality Act and is determined by the Director to have the potential for adverse impacts on an environmentally sensitive habitat area, the project shall require environmental review and, where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required.
 - (1) If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Director shall approve the Coastal Development Permit in compliance with Subsection C.3 (Findings required for Coastal Development Permit or Land Use Permit approval) below, with appropriate conditions if necessary.
 - (2) If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the Montecito Commission shall be the review authority for the application for development.
 - (a) The Montecito Commission shall hold at least one public hearing on the requested application and shall approve, conditionally approve or deny the request.
 - (b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - (c) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
3. **Findings required for Coastal Development Permit or Land Use Permit approval.** An application for a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) for a project within the ESH overlay zone shall be approved only if the Director first finds that the proposed development meets all applicable development standards contained in Subsection D through Subsection O, below, in addition to the findings required for Coastal Development Permit or a Land Use Permit as applicable.
4. **Conditions of approval.** A Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) may be approved with conditions of approval as determined by the Director to be necessary to ensure protection of the habitat areas. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements.
 - a. **Coastal Zone.** The conditions may also expressly alter any regulation of the primary zone in furtherance of the purposes of the ESH overlay zone, except the land uses that are permitted

or conditionally permitted by the primary zone.

- b. **Inland area.** The conditions may also expressly alter any regulation of the primary zone in furtherance of the purposes of the ESH overlay zone, except the land uses that are permitted or conditionally permitted by the primary zone, provided that the alteration is not less restrictive than the regulations of the primary zone.

D. Development standards - Monarch butterfly habitats.

1. Coastal Zone.

- a. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.
- b. Adjacent development shall be set back a minimum of 50 feet from the trees.

2. Inland area.

- a. **Limitation on the timing of construction.** Any construction, grading or development within 200 feet of known or historic butterfly roosts shall be prohibited between November 1 and April 1. This requirement may be modified or deleted on a case-by-case basis where either the Director or additional information or studies with the approval the Director concludes that one or more of these activities would not impact monarchs using the trees or where it would preclude reasonable development of the lot.
- b. **Impact determination.** Prior to approval of a Land Use Permit for development within 200 feet of known or historic butterfly roosts, the Director shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat. This shall be determined based on proximity to known or historic, or potential butterfly trees. The Montecito Biological Resources map shall be considered in determining proximity as well as other available information and maps. In the event the proposed project does have the potential to adversely impact monarch butterfly habitat, the applicant shall submit a Butterfly Roost Protection Plan to the Department. This plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures:
 - 1. The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;
 - 2. A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum, to be determined on a case by case basis. A temporary fence shall be installed outside of the buffer boundary. All ground disturbance and vegetation removal shall be avoided within the buffer; and
 - 3. Native vegetation shall be maintained within this buffer.
- c. **Trimming or cleanup plan.** A trimming or clean-up plan shall be required for trimming or clearing associated with a Land Use Permit within 50 feet of a monarch butterfly habitat and shall be approved by the Director and shall include supervision by a qualified biologist.

E. Development standards - Coastal sage scrub - Inland area.

- 1. **Preservation requirement.** Each area of coastal sage scrub that is of one or more acres shall be preserved to the maximum extent feasible. Development shall avoid impacts that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns,

seed dispersal routes, or increase vulnerability of species to local extirpations such as fire, flooding, disease, etc.

2. **Native plant buffer.** Impacts shall be minimized by providing a 10 foot buffer vegetated with native plant species and placing the project on the outer edge of the buffer rather than in or through the middle of the habitat area, except where this would prevent reasonable development of the lot.
3. **Additional onsite mitigation measures.** Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development shall be included in project design as necessary.

F. Development standards - Marine mammal rookery and hauling grounds - Coastal Zone.

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued habitat viability.
2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when the rookeries are in use for reproductive activities (i.e., mating, pupping, and pup care). These times of year are:
 - a. Harbor seal - February through April.
 - b. Northern Elephant seals - Mid-December through February.
 - c. Sea Lions and fur seals - May through September.

NOTE: At present, the only marine mammal rookeries in the County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Channel Islands.

G. Development standards - Native grasslands - Coastal Zone.

1. Grazing shall be managed to protect native grassland habitats.
2. Development shall be sited and designed to protect native grassland areas.

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

1. Oak trees shall be protected because they are particularly sensitive to environmental conditions. All land use activities, including cultivated agriculture and grazing, should be carried out in a manner so as to avoid damage to native oak trees. The regeneration of oak trees on grazing lands is encouraged.
2. When a site is graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

I. Development standards - Rocky points and intertidal habitats - Coastal Zone.

1. No unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas, to prevent the destruction of organisms that thrive in the intertidal areas.
2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to

rocky points or intertidal areas.

3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas

J. Development standards - Seabird nesting and roosting sites - Coastal Zone. Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.

K. Development standards - Streams.

1. **Stream habitat buffer.** The minimum buffer strip for development near streams and creeks in Rural Areas as designated on the Comprehensive Plan maps shall be presumptively 100 feet from the top of bank and 50 feet for streams in Urban Areas as designated on the Comprehensive Plan maps. These minimum buffers may be adjusted upward or downward on a case-by-case basis but within the Inland area the buffer shall not preclude reasonable development of a lot. To protect the biological productivity and water quality of streams, each buffer shall be established based on an investigation of the following factors, and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board:

- a. Soil type and stability of stream corridors;
- b. How surface water filters into the ground;
- c. Slope of land on either side of the stream;
- d. Location of the 100-year flood plain boundary; and
- e. Consistency with adopted plans, particularly Biology/Habitat policies of the Montecito Community Plan.

Within the Coastal Zone, riparian vegetation shall be protected and shall be included in the buffer and where riparian vegetation has previously been removed, except in association with channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.

2. **Prohibition on development within a riparian corridor.** No structure shall be located within a stream corridor except:

- a. Public trails that would not adversely affect existing habitat;
- b. Dams necessary for water supply projects;
- c. Flood control projects where no other method for protecting existing structures in the floodplain is feasible, and where the protection is necessary for public safety;
- d. Other development where the primary function is for the improvement of fish and wildlife habitat; and
- e. Within the Inland area, other development where this requirement would preclude reasonable development of a lot.

Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent.

3. **Limitation on development, revegetation required.** All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of

uses specified in Subsection K.2 (Prohibition on development within a riparian corridor) above.

a. Development within the Coastal Zone. Development within the Coastal Zone shall be in compliance with the following:

- (1) When development requires the removal of riparian plant species, re-vegetation with local native plants shall be required, except where undesirable for flood control purposes.
- (2) The minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.
- (3) All permitted construction and grading within stream corridors shall be carried out in a manner that minimizes impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.
- (4) Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams shall be permitted unless in compliance with the Public Resources Code Section 30236.

b. Development within the Inland area. Development within the Inland area shall be in compliance with the following:

- (1) When development requires the removal of riparian plant species, re-vegetation with local native plants shall be required on both banks and extending outward 25 feet from each top of bank, except where it would preclude reasonable development of a lot.

4. Riparian protection measures - Inland area. Riparian protection measures shall be based on the project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through activities related to a Land Use Permit such as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to issuance of a Land Use Permit, the applicant shall include a note on the grading and building plans stating the following riparian habitat protection measures:

- a. A setback of 50 feet from either side of top-of-bank of the creek, that precludes all ground disturbance and vegetation removal; and
- b. That protective fencing shall be installed along the outer buffer boundary at the applicant's expense prior to initiation of any grading or development activities associated with a Land Use Permit. Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.
 - (1) This measure may be modified or deleted in the event that the Director finds that it is not necessary to protect biological resources (e.g., due to topographical changes or other adequate barriers).

5. Onsite restoration required - Inland area. Onsite restoration of any project-disturbed buffer or riparian vegetation within a creek shall be mandatory. A riparian revegetation plan, approved by the Director, shall be developed by a County approved biologist (or other experienced individual acceptable to the Director) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules.

L. Development standards - Subtidal reefs - Coastal Zone.

1. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources.
2. If evidence of depletion is found, the Department shall work with the California Department of Fish and Game, and sport and commercial fishing groups, to assess the extent of damage and implement mitigating measures.

M. Development standards - Vernal pools - Coastal Zone.

1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.
2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.
3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

N. Development standards - Wetlands - Coastal Zone.

1. All diking, dredging, and filling activities shall comply with Public Resources Code Sections 30233 and 30607.1. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall comply with the following requirements.
 - a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
 - b. Dredging shall be limited to the smallest area feasible.
 - c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diaphragms, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas. A project that results in the discharge of water into a wetland requires a permit from the California Regional Water Quality Control Board.
2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.
3. Boating shall be prohibited in all wetland areas, except for research or maintenance purposes.
4. A buffer strip with a minimum width of 100 feet shall be maintained in a natural condition along the periphery of all wetlands. No permanent structures shall be permitted within a wetland or buffer area, except minor structures (e.g., fences, or structures necessary to support the uses in Subsection N.5 below). Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within

100 feet of a wetland. The upland limit of a wetland shall be defined as:

- a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or
 - b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.
5. Light recreation including bird-watching or nature study, and scientific and educational uses, shall be permitted with appropriate controls to prevent adverse impacts.
 6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that the discharge improves the quality of the receiving water.
 7. Wetland sandbars may be dredged, when permitted in compliance with Subsection N.1 above, and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.
 8. No unauthorized vehicle traffic shall be permitted in a wetland, and pedestrian traffic shall be regulated and incidental to the permitted uses.
 9. New development adjacent to or in close proximity to a wetland shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.
 10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.
 11. No grazing or other agricultural use shall be permitted in a coastal wetland.

O. Development standards - White-tailed kite habitats - Coastal Zone.

1. There shall be no development including agricultural development, structures and roads, within the area used for roosting and nesting.
2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.
3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

35.428.050 - Flood Hazard (FA) Overlay Zone

- A. Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in area within the 100-year flood plain by alerting by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazard, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain

Management).

B. Applicability. The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).

1. **Additional standards.** Each land use shall comply with the requirements of the primary zone, and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
2. **Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Flood Control and Water Conservation District (referred to in this Section as the "Flood Control District").
3. **Relationship to primary zone.** Each land use and proposed development within the FA overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. **Referral and determination.** Prior to the approval of a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances), all development subject to the FA overlay zone shall be referred to the Flood Control District for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control District determines that the proposed development is subject to Chapter 15A, the development shall comply with the requirements of Chapter 15A. If the Flood Control District determines that the proposed development is not subject to Chapter 15A, the development is exempt from the requirements of Chapter 15A.
2. **Permit requirement.** After obtaining the appropriate clearance or receiving a written exemption from the Flood Control District, the proposed development shall comply with the Coastal Development Permit or Land Use Permit or Zoning Clearance requirements of the primary zone.

35.428.060 - Growth Management Ordinance (GMO) Overlay Zone

A. Purpose and intent. The Growth Management Ordinance (GMO) overlay zone identifies areas where a growth management ordinance has been adopted due to infrastructure, public service, and resource constraints. The overlay zone defines development restrictions in addition to the other applicable requirements of this Development Code.

B. Applicability.

1. The GMO overlay zone is applied only to property that is subject to a growth management ordinance. All new development including subdivisions within the GMO overlay zone shall comply with the applicable growth management ordinance in addition to the requirements of the primary zone.
2. The overlay zone shall continue to apply to the areas designated until the County determines that additional development can be accommodated by available infrastructure, public services, and resources such that a growth management ordinance is no longer necessary.

C. Permit and processing requirements. The permit and processing requirements of the applicable growth management ordinance shall apply within the GMO overlay zone in addition to the requirements of this Development Code.

35.428.070 - Montecito Hillside (H-MON) Overlay Zone - Inland area

- A. Purpose and intent.** The Montecito Hillside (H-MON) overlay zone is intended to preserve, enhance, and protect the visual and biological importance and natural mountainous setting of areas of Montecito that are steeply sloped and visually prominent. The overlay zone is also intended to protect mountainous areas and adjacent areas from erosion, scarring, flood and fire hazard and to promote safety, thereby implementing the policies of the Montecito Community Plan.
- B. Applicability.** This overlay zone is applied to mountainous areas and areas adjacent to mountainous areas in the Montecito Community Plan area as shown on applicable Santa Barbara County Zoning Maps.
- 1. Exceptions.** The regulations of this overlay zone shall not apply to:
 - a. Existing lawful structures and their reconstruction if they are of the same or lesser size, height and location and;
 - b. Projects that have received preliminary or final approval from the Board of Architectural Review prior to June 15, 1995; and
 - c. Subdivisions which have received Tentative Parcel or Final Map approval and contain specific conditions that mitigate size of structures, visibility, building materials and colors, erosion and flooding, as determined by the Director.
 - 2. Relationship to primary zone.** Each land use and proposed development within the H-MON overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. Development standards.** All residential development within the H-MON overlay zone shall comply with the development standards in Section IV.C (Hillside Development Standards) of the Montecito Architectural Guidelines and Development Standards.

35.428.080 - Site Design (SD) Overlay Zone - Coastal Zone

- A. Purpose.** The Site Design (SD) overlay zone is intended to ensure the well-planned subdivision of large sites within the Coastal Zone that are zoned for large-lot, one-family residential uses (e.g., R-1/E-1) by avoiding piecemeal subdivisions that could result in resource degradation and the creation of lots unsuited for development. Therefore, this overlay zone provides for the conceptual review by the County of the ultimate division of a lot at the time any land division is proposed.
- B. Applicability.** The SD overlay zone may be applied only within the Coastal Zone.
- 1. Effect on land divisions.** The regulations of the SD overlay zone apply only to land division applications and no land division shall be approved within the SD overlay zone unless found consistent with the requirements of this Section.
 - 2. Effect of approved site design plan.** When a site design plan has been conceptually approved for a lot in compliance with Subsection D. (Permit and processing requirements) below, all future land divisions shall be in conformance with the approved site design plan for that lot.
 - 3. Relationship to primary zone.** Each land use and proposed development within the SD overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. Application requirements.** An application for subdivision within the SD overlay zone shall include a site design plan with the following information, in addition to the information and materials otherwise required for a subdivision application by County Code Chapter 21 (Subdivisions), unless the proposed

subdivision is for the ultimate parcelization of the subject land or a site design plan has been previously approved for the subject land.

1. **Other site and subdivision features.** The site design plan shall exhibit:
 - a. The proposed lot lines of the ultimate lots.
 - b. Contour lines.
 - c. Proposed circulation patterns for the ultimate lots.
 - d. Locations of significant existing vegetation and sensitive habitat areas (e.g., unusual species, native habitats, and riparian vegetation).
 - e. Areas within the 100-year flood plain.
 - f. Areas subject to geologic hazards.
 - g. A general indication of the potential building sites.
 - h. Other information deemed necessary for proper review and required depending on the particular circumstances and location of the lots.

D. Permit and processing requirements.

1. **Subdivision/Development Review Committee.** The Subdivision/Development Review Committee shall consider the proposed land division along with the site design plan and make recommendations to the Montecito Commission.
2. **Montecito Commission.** The Montecito Commission shall consider the proposed site design plan at a noticed public hearing and conceptually approve, modify, or disapprove the proposed site design plan.
 - a. At the same public hearing, the Montecito Commission may approve, conditionally approve, or deny the proposed land division, but the proposed land division shall not be approved unless the Montecito Commission first conceptually approves the site design plan and finds that the proposed land division is consistent with the conceptually approved site design plan.
 - b. In no case shall conceptual approval of the site design plan by the Montecito Commission be deemed to commit the County to final approval of any land division.
3. **Findings required for conceptual approval of site design plan.** A site design plan shall be conceptually approved only if all of the following findings are first made:
 - a. The lot is physically suitable for the density proposed under the site design plan;
 - b. All lots proposed on the site design plan shall have adequate building sites and adequate road access; and
 - c. The design and creation of the lots according to the site design plan protects environmentally sensitive habitat areas and agricultural lands, avoids flood, fire, and geologic hazards, and protects hillsides and watersheds.
4. **Filing of approved plan.** A copy of the approved site design plan shall be kept on file in the Department.
5. **Plan amendment.** An amendment to the site design plan shall be processed in the same manner as the original site design plan. The Montecito Commission shall not approve a site design plan

amendment unless the amended plan is in conformance with any previously approved land divisions that were in conformance with the previously approved site design plan. When a site design plan has been approved for a lot and the lot is subsequently rezoned, the site design plan shall become void.

35.428.090 - View Corridor (VC) Overlay Zone - Coastal Zone

- A. Purpose and intent.** The View Corridor (VC) overlay zone is intended to protect significant existing coastal view corridors from US Highway 101 to the ocean.
- B. Applicability.** The VC overlay zone may be applied only within the Coastal Zone.
- 1. Relationship to primary zone.** Each land use and proposed development within the VC overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section
- C. Permit and processing requirements.**
- 1. Design review required.** Any structural development within the VC overlay zone shall require Design Review in compliance with Section 35.472.070 (Design Review) prior to approval of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances).
- 2. Application requirements.** The application for Design Review shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- 3. Criteria for approval.** The Montecito Board of Architectural Review shall approve the plans only if it finds conformance with the following standards:
- a. Each structure shall be sited and designed to preserve unobstructed broad views of the ocean from US Highway 101, and shall be clustered to the maximum extent feasible;
 - b. Building height shall not exceed 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the primary zone shall apply; and
 - c. No structure shall be of an unsightly or undesirable appearance.
- 4. Criteria for denial.** If, after review, the Montecito Board of Architectural Review determines that a proposed structure obstructs views to the ocean, is of a height or scale that is inharmonious with the surrounding area, or is of an undesirable or unsightly appearance, the Montecito Board of Architectural Review shall confer with the applicant in an attempt to bring the plans into conformance with the standards in Subsection C.3 (Criteria for approval) above.
- 5. Appeal.** The action of the Montecito Board of Architectural Review may be appealed in compliance with Chapter 35.492 (Appeals).
- D. Land use limitations.** Electrical transmission lines are prohibited within the VC overlay zone.

DIVISION 35.3

Montecito Site Planning and Other Project Standards

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CHAPTER 35.430 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

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35.430.010 - Purpose

This Division expands upon the standards of Division 35.2 (Montecito Zones and Allowable Land Uses) by addressing the details of site planning and project design. These standards are intended to ensure that development:

- A. Produces an environment of stable and desirable character;
- B. Is compatible with existing and future development; and
- C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan, including the Montecito Community Plan.

35.430.020 - Applicability

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 35.491 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable zone in Division 35.2 (Montecito Zones and Allowable Land Uses), and those in Division 35.4 (Montecito Standards for Specific Land Uses). If there is a conflict, the standards in Division 35.4 (Montecito Standards for Specific Land Uses) shall control.

35.430.030 - Bikeways

Within the Inland area, bikeways shall be provided where determined by the review authority to be appropriate for recreational and commuting use.

35.430.040 - Coastal Trails

Within the Coastal Zone, easements for trails shown on the Comprehensive Plan maps shall be required as a condition of project approval for the portion of the trail crossing the lot upon which a project is proposed.

35.430.050 - Density

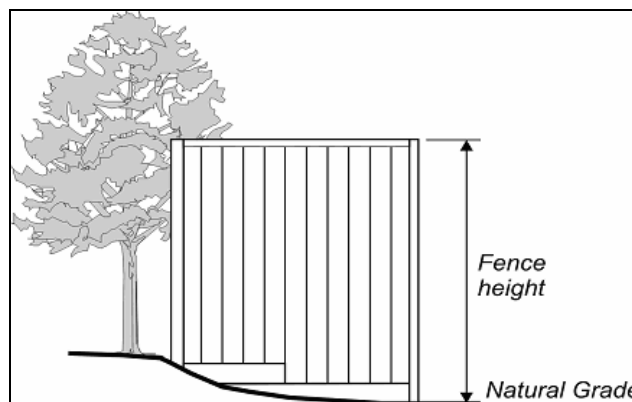
- A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.
- B. Density may be increased for an affordable housing project in compliance with Housing Element policies, provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.

35.430.060 - Design Compatibility Standards

- A. **Rural.** Within Rural areas as designated on the Comprehensive Plan maps, the height, scale, and design of each structure shall be compatible with the character of the surrounding natural environment, as determined by the review authority, except where the review authority determines that technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- B. **Urban and Existing Developed Rural Neighborhoods.** Within Urban areas and Existing Developed Rural Neighborhoods (Inland area) or Rural Neighborhoods (Coastal Zone) as designated on the Comprehensive Plan maps, new structures conform to the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

35.430.070 - Fences and Walls

- A. **Purpose.** This Section provides regulations for the installation, construction, and placement of fences. For the purposes of this Section, the term "fence" includes fences, walls, gates, gateposts, and other structures in the nature of a fence, except where any of these are specifically identified and separately regulated by this Section.
- B. **Measurement of fence height.** Fence height shall be measured as the vertical distance between the natural grade at the base of the lower side of the fence, and the top edge of the fence material. See Figure 3-1 (Measurement of Fence Height) below.

**Figure 3-1 - Measurement of Fence Height**

- C. **Height limits and permit requirements.** Each fence shall comply with the height limits and permit requirements in Table 3-1 (Fence Height and Permit Requirements) below. In no case shall the height of the fence exceed the height limit established for the applicable zone district by Division 35.2 (Montecito Zones and Allowable Land Uses). Additionally, a fence on a corner lot shall also comply with the vision

clearance requirements in Section 35.430.090 (Height Measurement, Exceptions and Limitations).

Table 3-1 - Fence Height and Permit Requirements

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)	Land Use Permit Required	Conditional Use Permit Required
Within front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Within side and rear setbacks	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Within interior lot setback area or 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not applicable	Fence more than 6 ft high; gatepost more than 8 ft high.
Outside of a required setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high.	Not applicable.

Notes:

- (1) Within the Coastal Zone, fences shall be exempt only if the fence will:
- Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
 - Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, then a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) is required.

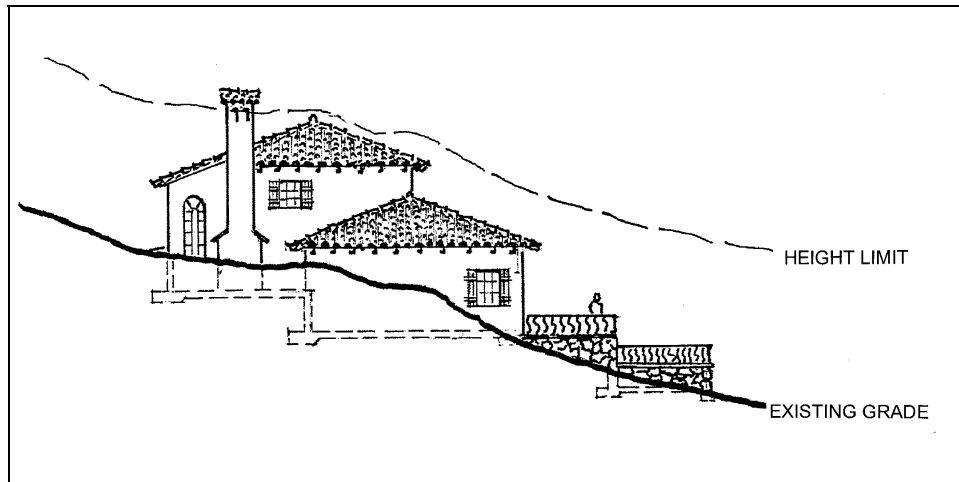
- Exception to height limits.** A maximum of 10 percent of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit in Table 3-1 (Fence Height and Permit Requirements), where the review authority first determines that topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
- Retaining wall exemption.** A retaining wall (retaining earth only) that is not over four feet in height measured from the bottom of the footing to the top of the wall and does not require a Grading Permit in compliance with County Code Chapter 14 is exempt from Coastal Development Permit or Land Use Permit requirements except when located within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or within an Environmentally Sensitive Habitat area.

35.430.080 - Flood Hazard Development Standards

- Purpose.** The intent of the Flood Hazard development standards is to avoid exposing new development to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.
- Development within floodway.** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).
- Permitted development limitations.** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.

35.430.090 - Height Measurement, Exceptions and Limitations

- A. Purpose.** This Section describes the required methods for measuring the height of structures to determine compliance with the height limits established by this Development Code and provides exceptions to those height limits.
- B. Height limit of structures.** The height of each structure shall not exceed the applicable height limit established for the applicable zone by Division 35.2 (Montecito Zones and Allowable Land Uses) and/or other requirements of this Development Code, except as otherwise provided by this Section and this Development Code.
- C. Height measurement.** The following methodology shall be used to determine the height of a structure. Additionally, Subsection D. through Subsection I. below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.
- 1. Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Subsection C.1.a below. The height of any structure shall not exceed the applicable height limit except as provided in Subsection D. through Subsection I., below, see Figure 3-2 (Height Limit).

**Figure 3-2 - Height Limit****a. Measurement from finished grade.****(1) Located on fill.**

- (a) Coastal Zone.** For lots located within the Coastal Zone, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.
- (b) Inland area.** For lots located within the Inland area that are zoned AG-I, R-1/E-1, R-2 or PRD, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade for those portions of the structure located above an area of the site where the finished grade is 10 feet or more above the existing grade.

- (2) View corridor.** For lots located within the View Corridor (VC) Overlay, the height of a structure shall be the vertical distance between the average finished grade and the

uppermost point of the structure directly above that grade.

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.452 (Montecito Ridgeline and Hillside Development) or Section 35.428.070 (Montecito Hillside Overlay Zone) shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower, See Figure 3-3 (Maximum Height).

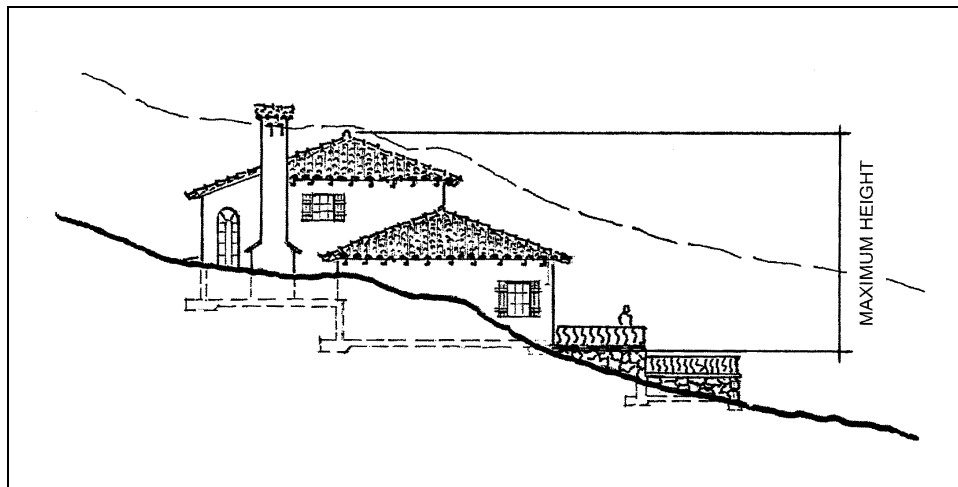


Figure 3-3 - Maximum Height

- D. **General height limit exceptions.** The height of a structure may exceed the applicable height limit in compliance with the following:
 1. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zones where the excess height is not prohibited by Section 35.428.090 (View Corridor Overlay). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.
 2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.
 3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Montecito Board of Architectural Review.
 4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 and D.3 above are not cumulative.
- E. **Fences and walls.** A fence or wall shall comply with the height limits established by Section 35.430.070 (Fences and Walls).

- F. Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits and exceptions for guesthouses, artist studios, and cabañas.
- G. Residential second units.** See Section 35.442.160 (Residential Second Units) for height limits and exceptions for residential second units.
- H. Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities
- I. Vision clearance.** Structures and landscaping on a corner lot shall not exceed the height limits provided by this Subsection within a required vision clearance area.
- 1. Measurement of vision clearance area.** See Figure 3-4 (Vision Clearance Area).
 - a. Straight corners.** The boundaries of a vision clearance area are defined by drawing lines from the point of intersection of a lot's street property lines at the corner to a point a minimum of 10 feet from the corner along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 - b. Rounded corners.** In the case of rounded corners, the boundaries of a vision clearance area are defined by extending the street property lines from the tangents at the beginning and end of the curving corner to a point of intersection, then drawing lines from the point of intersection to a point a minimum of 10 feet from the point of intersection along the two property lines, and then connecting the two points with a straight line forming the hypotenuse of the triangle.
 - 2. Height limits within vision clearance area.** No planting, fence, wall, or other structure shall exceed a height of two and one-half feet above the adjacent curb grade, or three feet above the adjacent surface of pavement, whichever is less, within a vision clearance area.

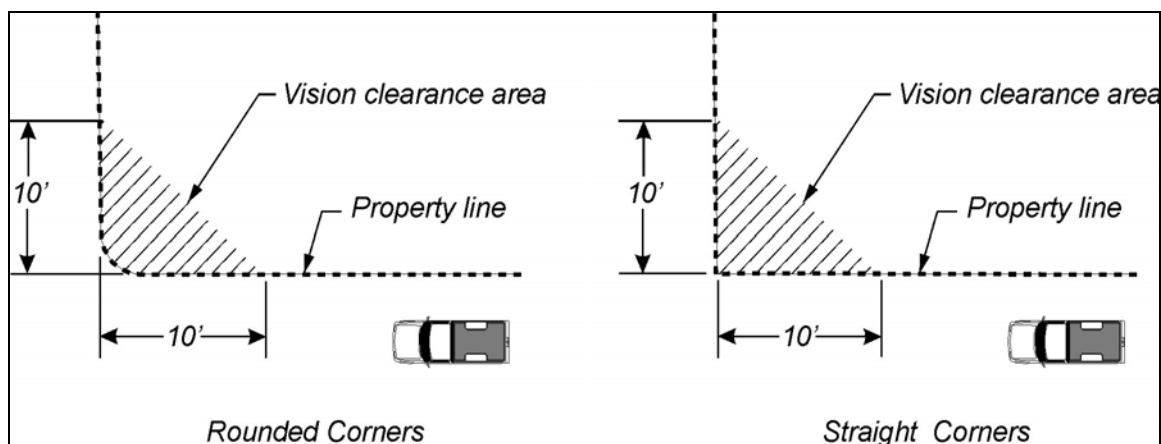


Figure 3-4 -Vision Clearance Area

35.430.100 - Infrastructure Services, Utilities and Related Facilities

- A. Adequacy of infrastructure required.** Approval of a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) shall require that the review authority first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.
- B. Applicant responsibilities.** The applicant shall assume full responsibility for costs incurred in service

extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Comprehensive Plan including the Montecito Community Plan.

C. General requirement for water and sewer services. Within Urban areas designated on the Comprehensive Plan maps, new development other than that for agricultural purposes shall be served by the appropriate public sewer and water district or an existing mutual water company, if such service is available.

D. Services, utilities and related facilities located within the Coastal Zone. The following standards apply to development within the Coastal Zone, in addition to those in Subsection A. through Subsection C. above.

1. Electrical transmission lines.

- a. Protection of viewshed and resources.** Transmission line rights-of-way shall be routed to minimize impacts on the viewshed, especially in scenic rural areas, and to avoid locations that are on or near archaeological, habitat, or recreational resources, whenever feasible.
- b. Vegetation.** Grading, scarring, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- c. Undergrounding.** In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible, unless it can be shown, to the satisfaction of the review authority, that other alternatives are less environmentally damaging.
- d. Compatibility.** When aboveground facilities are necessary, color and design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

2. Utility Lines.

- a.** Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.
- b.** Annexation of rural areas to a sanitary district or extensions of sewer lines into Rural areas designated on the Comprehensive Plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.
- c.** Water, gas, sewer, or electrical transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable, in accordance with appropriate California Public Utilities Commission regulations.

3. Water wells, public and private water and sanitary services.

- a.** The long-term integrity of groundwater basins or sub-basins located wholly within the Coastal Zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including

land division and any other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful lot be denied development of one one-family residence. This standard shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.

- b. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.
- c. Water-conserving devices shall be used in all new development.
- d. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can-and-will-serve letters at the time of Final Map or Parcel Map recordation, or if no map, prior to issuance of Coastal Development Permits.
- e. Within Urban areas designated on the Comprehensive Plan maps, new development other than that for agricultural purposes shall be served by the appropriate public sewer and water district or an existing mutual water company, if such service is available.

E. Lot size - Coastal Zone. Within the Coastal Zone, lots may be reduced in size below the area and width requirements of the specific zone regulations in Division 35.2 (Montecito Zones and Allowable Land Uses) with the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) where the use of such lots is limited to the siting of small scale public works, utilities and private service facilities.

35.430.110 - Lot Line Adjustments

A. Purpose and applicability. This Section establishes standards for the approval of a Lot Line Adjustment consistent with this Development Code, the Comprehensive Plan, and County Code Chapter 21 (Subdivision Regulations), in compliance with Map Act Section 66412. The provisions of this Section and the procedures and requirements in County Code Chapter 21 shall apply to all applications for Lot Line Adjustments.

B. Required findings for approval. The approval of a Lot Line Adjustment application shall require that the Montecito Commission first make all of the following findings;

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and this Development Code.
2. No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.
3. Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements.
 - a. Four or fewer existing lots are involved in the adjustment.

- b. The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.
- c. The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment. For the purposes of this Subsection only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection if it has an existing one-family dwelling constructed in compliance with a valid County permit. Otherwise, to be deemed a residentially developable lot for the purposes of this Subsection, existing and proposed lots shall comply with all of the following criteria.

- (1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.
- (2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.
- (3) **Access.** The lot is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- (4) **Slope stability.** Development of the lot including infrastructure avoids slopes of 30 percent and greater.
- (5) **Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.
- (6) **Environmentally sensitive habitat.** Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.
- (7) **Hazards.** Development of the lot shall not result in a hazard to life and property. Potential hazards include flood, geologic and fire.
- (8) **Consistency with Comprehensive Plan and Development Code.** Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

To provide notification to existing and subsequent property owners when a finding is made that a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the lot, in compliance with County Code Section 21-92 (Procedures).

- 4. The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more

onerous.

5. The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

C. Additional required findings for Lot Line Adjustments within an agricultural preserve. In addition to the findings required under Subsection B. (Required findings for approval) above, the approval of a Lot Line Adjustment proposed on agriculturally zoned lots that are subject to an Agricultural Preserve Contract in compliance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones shall require that the Montecito Commission also make the following findings:

1. The new contract or contracts will enforceably restrict the adjusted boundaries of the lot for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
2. There is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
5. The lot line adjustment would not compromise the long-term agricultural productivity of the lot or other agricultural lands subject to a contract or contracts.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
7. The lot line adjustment does not result in a greater number of developable lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

35.430.120 - Outdoor Lighting

- A. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
- B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.
- C. Recreational court lighting is prohibited in all residential zones.

35.430.130 - Performance Standards

A. Inland area standards. The following standards apply within all Inland areas.

1. **Location of development.** No urban development shall be permitted outside of the Urban area as designated on the Comprehensive Plan maps.

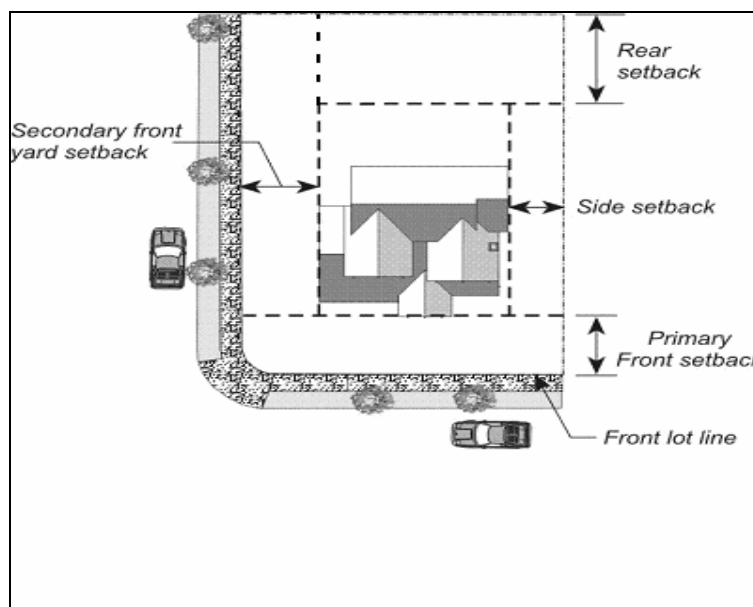
- 2. Environmental Resource Management.** The standards in this Section are from the Environmental Resource Management Element, and serve to implement policies and key recommendations contained in other elements of the Comprehensive Plan (e.g., the Seismic Safety and Safety, Conservation, and Open Space Elements).
- a. Urbanization prohibited.** Urbanization should be prohibited in all cases on lands subject to one or more of the following environmental factors:
- (1) Geologic Problems Index V (see Seismic Safety and Safety Element);
 - (2) Reservoirs and areas tributary to existing and proposed reservoirs;
 - (3) Slopes of 30 percent or greater;
 - (4) Existing croplands with a high agricultural suitability rating (see Environmental Resource Management Element) or a Class I or II soil capability classification. However, urban uses may be permitted within urban areas on lots of 10 acres or less;
 - (5) Mineral resource sites;
 - (6) Existing parks and recreation sites, historic sites, and archaeological sites; and
 - (7) Proposed scientific preserves.
- b. Urbanization limited.** Urbanization should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:
- (1) Geologic Problems Index IV (see Seismic Safety and Safety Element);
 - (2) Slopes of 20 percent or greater but less than 30 percent;
 - (3) Existing croplands with a moderate or low agricultural suitability rating (see Environmental Resource Management Element) or a Class III or IV soil capability classification;
 - (4) Land highly suitable for expansion of cultivated agriculture (see Environmental Resource Management Element);
 - (5) Significant habitats and/or prime examples of common ecological communities (see Environmental Resource Management and Conservation Elements).

35.430.140 - Recreation and Visitor Serving Uses - Coastal Zone

- A. Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (e.g., tent campgrounds) shall have priority over uses requiring substantial alteration (e.g., recreational vehicle campgrounds).
- B. Visitor-serving commercial recreational development that involves construction of major facilities (e.g., motels, hotels, restaurants), should be located within urban areas, and should not change the character of, or impact residential areas.
- C. Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses (e.g., campgrounds) that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.
- D. Visitor-serving facilities shall be permitted in rural areas only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands (e.g., residences, stores, or gas stations).

35.430.150 - Setback Requirements and Exceptions

- A. Purpose.** This Section provides standards for the use and minimum dimension of setbacks. These standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for landscaping and recreation.
- B. Setback requirements.**
- 1. General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in Division 35.2 (Montecito Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.442 (Standards for Specific Land Uses), except as otherwise provided by this Section.
 - 2. Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection 35.444.020.D.1.d (Extension over neighboring property).
- C. Measurement of setbacks.** The setbacks required by Subsection B (Setback requirements) above shall be measured as follows.
- 1. Front setback.** A front setback shall be measured at right angles from the front line of the lot.
 - a. Corner lot.** A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of Front Line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks) below.

**Figure 3-5 - Corner Lot Setbacks**

- (1) Corner lot 100 feet or greater in width.** There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.

- (2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front 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 secondary front setback be less than 10 feet.
 - b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.
 - c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.
2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line, establishing a setback line parallel to the side property line which extends between the front and rear setbacks.
- a. **Side setback adjacent to alley.** In computing the width of a side setback, if the setback abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the side yard.
 - b. **Side setback variations in R-1/E-1 and R-2 zones.** The required side setback for portions of a structure may be varied subject to all of the following limitations.
 - (1) No portion of the structure shall be less than five feet from the side lines of the lot.
 - (2) No portion of an exterior wall of a structure containing non-fixed windows or doors opening into rooms of a structure (except a garage or other non-habitable space) shall be located closer to the side lines of a lot than the required side setback prior to any variation allowed by Subsection b.(3) below.
 - (3) A portion of a structure may be located within the required side setback provided that the footprint area of the portion of the structure that intrudes into the required side setback shall be compensated by an equal or greater area that is not covered by any 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.
 - (4) The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot.
 - c. **Through lot.** On a through lot, the side setbacks shall extend the full depth of the lot between the front setbacks.
3. **Rear setback.** The rear setback shall be measured at right angles from the rear property line, establishing a setback line parallel to the rear property line.
- a. **Corner lot.** The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided that the total front, side, and rear setback area required by the applicable zone is not reduced. An accessory structure on a corner lot backing on a key lot shall be set back from the rear property line by a distance equal to the side setback requirements applicable to the key lot.
 - b. **Rear setback adjacent to alley.** In computing the depth of a rear setback, if the setback

abuts an alley, and the owner of the lot owns all or one-half of the underlying fee of the alley, up to one-half of the width of the alley may be included in the rear setback.

- c. **Rear setback on triangular lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line 10 feet long within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed to be the rear lot line for the purpose of measuring the required rear setback. See Figure 3-6 (Triangular lot rear setback measurement).

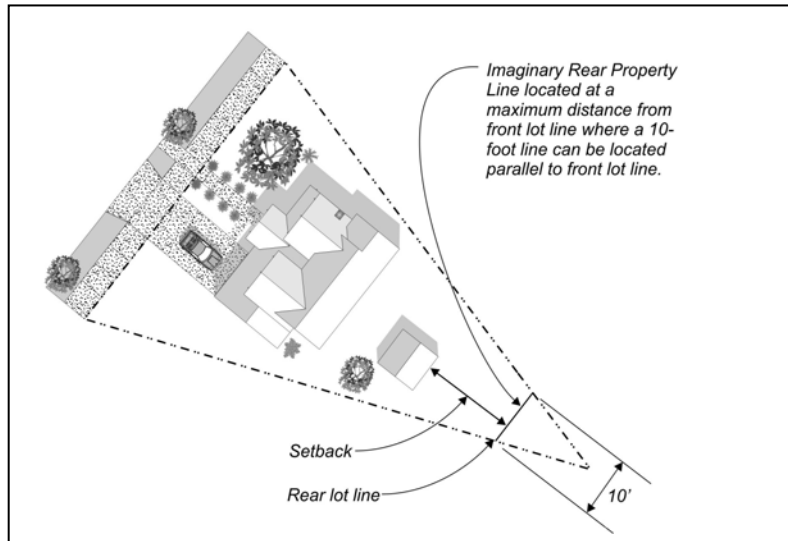


Figure 3-6 - Triangular lot rear setback measurement

- d. **Rear setback variations in R-1/ E-1 and R-2 zones.** The required rear setback for portions of a structure may be varied subject to all of the following limitations.
- (1) No portion of a structure used for dwelling purposes shall be closer than 15 feet to the rear line of the lot.
 - (2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback shall be compensated by an equal or greater area that is not covered by any 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.
 - (3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

4. Interior and odd-shaped lots.

- a. **Interior lot.** The setback requirements of the applicable zone shall not apply, and any structure located on an interior lot shall have a setback of at least 10 feet from all property lines, and the total setback area shall equal the total area of all setbacks required by in the applicable zone. See Figure 3-7 (Interior Lot) below.
- b. **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 the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

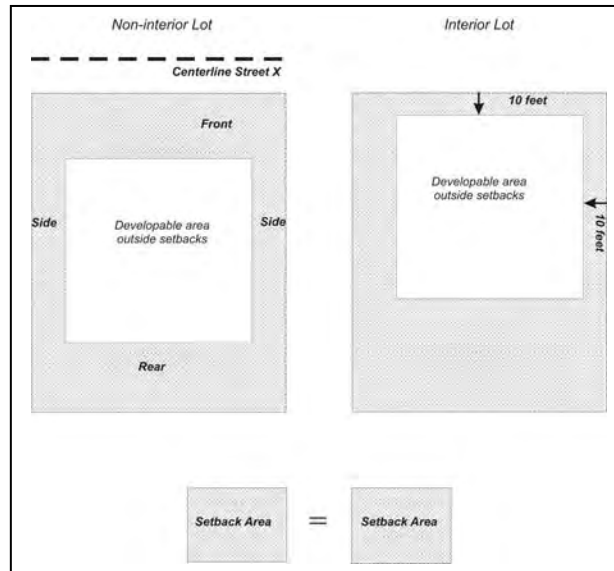


Figure 3-7 - Interior lot

5. **Setback shown on Final Map or Parcel Map or Final Development Plan.** Where a setback line is called for or shown on a Final Map or Parcel Map or Final Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or Final Development Plan.

D. Limitations on the use of setbacks, allowable projections into setbacks. Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this Section.

1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setbacks for ingress or egress:
 - a. The front or rear setback by four feet.
 - b. A side setback by three feet;
3. 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:
 - a. Less than 30 inches high, or
 - b. 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 Subsection 35.430.090.I (Vision Clearance).
4. 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 Environmentally Sensitive Habitat area.
5. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:
 - a. 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.

- b. Do not contain any utilities.
 - c. Are screened from view from abutting properties by a wall or fence at least as tall as the structure.
 - d. Are located no closer than five feet to any other structure located on the same lot.
6. 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 lots.

35.430.160 - Solar Panels

- A. Solar panels located on the roof of an existing structure do not require planning permit approval.
- B. Solar panels located on the ground shall be classified as accessory structures, and shall require the issuance of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#).

35.430.170 - Solid Waste and Recycling Storage Facilities

- A. **Purpose.** This Section provides standards which recognize County support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Section 42900 through 42911).
- B. **Applicability.** These requirements apply to the following projects:
 - 1. **Non-residential development.** Any new, non-residential development including commercial, industrial, or institutional buildings, or marina or any changes to such an existing non-residential development which requires a building permit.
 - 2. **Residential building.** Any new residential building having five or more dwelling units or any changes to such an existing residential building which requires a building permit.
 - 3. **Residential development.** Any new residential project where solid waste is collected and loaded in a location serving five or more dwelling units, or any changes to an existing residential project which requires a building permit.
 - 4. **One-family subdivision.** Any subdivision of one-family detached dwellings if, within such subdivisions there is an area where solid waste is collected and loaded in a location which serves five or more dwelling units. In such instances, recycling areas as specified in this Section are only required to serve the needs of the dwelling units which utilize the solid waste collection and loading area.
 - 5. **Public facility.** Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
- C. **Standards for storage areas.** All projects identified in Subsection B (Applicability) above, shall be required to provide solid waste areas specifically identified for the storage of both trash and recycling containers in compliance with the following.
 - 1. **Functional use.** Solid waste enclosures shall be properly located, exterior of living space, for functional use by occupants and by the disposal and hauling companies providing collection services.

2. **Size and location.** The exact size and location of the solid waste and recycling facilities storage areas shall be determined by the review authority on a case-by-case basis taking into account types and quantities of recyclable materials to be generated by the proposed land use and by the mode of collection.
3. **Screening requirements.** Solid waste enclosures shall be constructed to be as inconspicuous as possible and, in accordance with Santa Barbara County Code Chapter 17; the contents of enclosures shall be screened from public view.

D. Solid Waste Management Plan. A Solid Waste Management Plan shall be developed by the permittee as directed by the County Solid Waste Management Plan Guidelines, and may require review and approval by the County Public Works Department prior to the issuance of building permits by the Department.

35.430.180 - Storm Water Runoff Requirements

- A. Applicability.** The following development redevelopment is subject to the requirement that project-appropriate controls are in place to prevent or minimize water quality impacts:
1. Residential subdivisions with 10 or more dwelling units.
 2. Commercial development of 0.5 acres or greater.
 3. Parking lots of 5,000 square feet or more or have 25 or more parking spaces and are potentially exposed to storm water runoff.
 4. Automobile repair shops.
 5. Retail gasoline outlets.
 6. Restaurants.
 7. One-family dwellings located on slopes of 20 percent or greater.
 8. Any new development or redevelopment exceeding one acre.
- B. Processing.** No permit for any development listed in Subsection A (Applicability) above, shall be approved except in compliance with the Comprehensive Plan, and the California Environmental Quality Act if applicable.

35.430.190 - Subdivisions, Lot Size

- A. Minimum lot size.** Except as otherwise permitted in this Development Code, no lot held under separate ownership at the time of adoption of this Development Code shall be separated in ownership or reduced in size below the minimum lot width or area required by the applicable zone, or other applicable provisions of this Development Code, nor shall any lot having a width or area less than that required by this Development Code be further reduced in any manner.
- B. Area of lots.**
1. **Building sites - Coastal Zone.** Within the Coastal Zone, a lot or group of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to the lots, and containing less area than the required lot or building site area of the applicable zone may be used as building sites for not more than two dwellings per lot, provided that:
 - a. The lot or group of lots were legally created prior to the effective date of any County zoning regulations applicable to the lots;

- b. The lots or group of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion within a street right-of-way may not be used for more than one dwelling per lot; and
- c. The lots comply with all other applicable requirements of this Development Code.

2. Lot reconfiguration. Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:

- a. All other regulations of this Development Code and County Code Chapter 21 are complied with;
- b. The combined or resubdivided lots are as large or larger than the original lots; and
- c. The minimum area of each new lot is 7,000 square feet.

C. Measurement of lot area.

- 1. The lot area or building site area of a lot shall be as defined in Division 35.10 (Glossary), provided that:
 - a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot shall be excluded.
- 2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.

D. Measurement of lot width. For the purpose of computing the width of a lot having side lines that are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

E. Findings for subdivision approval in the Coastal Zone. Approval of a subdivision in the Coastal Zone shall require that the review authority first make the following findings, in addition to all findings required by County Code Chapter 21 (Subdivision Regulations).

- 1. The subdivider has demonstrated that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the Final Map or Parcel Map; and
- 2. For a proposed subdivision of agricultural land designated as AG-I, the long-term agricultural productivity of the land will not be diminished by the proposed division.

CHAPTER 35.432 - DENSITY BONUS FOR AFFORDABLE HOUSING

Sections:

- 35.432.010 - Purpose and Intent
- 35.432.020 - Eligibility for Density Bonus, Incentives or Concessions
- 35.432.030 - Allowed Density Bonuses
- 35.432.040 - Allowed Incentives or Concessions
- 35.432.050 - Siting Criteria
- 35.432.060 - Processing of Density Bonus and Incentive Request

35.432.010 - Purpose and Intent

As required by Government Code Section 65915, this Chapter offers density bonuses, incentives or concessions for affordable and senior housing development as identified in Section 35.432.020 (Eligibility for Density Bonus, Incentives or Concessions) below. This Chapter is intended to implement the state mandated Density Bonus Program, including the requirements of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 (Density Bonus Program), and the Housing Element Implementation Guidelines.

35.432.020 - Eligibility for Density Bonus, Incentives or Concessions

- A. Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- B. Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- C. Minimum project size.** The density bonus and incentives or concessions provided by this Chapter shall be available only to housing developments of five or more dwelling units.

35.432.030 - Allowed Density Bonuses

The amount of the density bonus granted shall be determined pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, Housing Element Policy 1.1, and the Housing Element Implementation Guidelines.

- A. Bonus determination.** The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law.
- B. Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a Comprehensive Plan Amendment, Local Coastal Program Amendment, zoning change or other discretionary approval separate from the discretionary approvals otherwise required for the project.

35.432.040 - Allowed Incentives or Concessions

- A. Applicant request and County approval.** An applicant may submit to the County a proposal for the

specific incentives or concessions listed in Subsection B. (Types of incentives) below, that the applicant requests in compliance with this Chapter. The County shall grant an incentive or concession request that complies with this Section unless the County makes specific findings pursuant to Government Code Sections 65915 through 65918 or successor statute.

- B. Types of incentives.** For the purposes of this Chapter, incentives or concessions include any of the following:
- 1. Modification of development standards.** A reduction in site development standards of this Development Code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.
 - 2. Mixed use project approval.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.
 - 3. Other regulatory incentives.** Other regulatory incentives proposed by the applicant or the county that will result in identifiable, financially sufficient, and actual cost reductions.
- C. Additional parking incentives or concessions.** An applicant may request alternative vehicular parking, in addition to other incentives or concessions provided in this Section.
- D. Requirements for amendments or discretionary approval.** The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, Local Coastal Program Amendment, Development Code text amendment, Zoning Map amendment or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.432.050 - Siting Criteria

Density bonus projects are encouraged to be sited based on the following criteria:

- A. Land use and development standards.** All uses of land should comply with the regulations of the primary zone. In cases where conflict occurs between the primary zone standards and the provisions of the Density Bonus Program, the provisions of the Density Bonus Program shall apply except in the Coastal Zone, where the conflict shall be resolved in compliance with the provisions of the Coastal Land Use Plan.
- B. Location of project.** The site should be located within the existing Urban Boundary Line as shown on the Comprehensive Plan map.
- C. Access to transportation.** All proposed development should be sited to provide maximum access to transit and alternative transportation services and facilities.
- D. Water and sewer service.** Density bonus projects should be in areas served by municipal water providers and municipal sanitary service providers.

35.432.060 - Processing of Density Bonus and Incentive Request

- A. Preliminary proposal and formal application.** Consistent with Government Code Section 65915(d) and Section 35.432.040 (Allowed Incentives or Concessions) above, prior to the submittal of a formal application, an applicant should obtain pre-application and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding

commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application shall contain the following information. If no preliminary proposal is submitted, the applicant shall provide the following information at the time of formal application in addition to the County's standard application requirements. The County may, at its discretion, waive any of these submittal requirements.

1. **Site information.** The Assessor's Parcel Number, gross and net lot acreage, land use and zone designation of the project site.
2. **Number of units.** The total number of units proposed (not including the density bonus units).
3. **Density bonus units.** The number of density bonus units requested.
4. **Affordable units.** The number of very low income, low income, moderate income and/or senior units proposed.
5. **Incentives.** Any additional incentive requested.
6. **Financial information.** Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.
7. **Site plan.** A site plan containing all required information as identified in the Department application for a site plan associated with a Coastal Development Permit ([Section 35.472.050](#)) for sites located in the Coastal Zone or Land Use Permit ([Section 35.472.110](#)) for sites located in the Inland area.

Within 45 days of receipt of a complete written proposal, the Department shall notify the applicant in writing of: the types of incentives which may be recommended in order to comply with this Section; and whether staff may support the granting of a density bonus on the basis of required development standards and findings.

- B. **Affordable Housing (AH) overlay zone.** The Affordable Housing (AH) overlay zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives offered in this Section.
- C. **Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- D. **Affordable housing agreement.** Prior to the issuance of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) for a density bonus project, each project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by County Counsel, which outlines:
 1. The sales and/or rental prices for the various types of units to be established; and
 2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and

which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

CHAPTER 35.434 - LANDSCAPING STANDARDS

Sections:

- 35.434.010 - Purpose
- 35.434.020 - Applicability
- 35.434.030 - Landscape Plans
- 35.434.040 - Landscape Agreement and Performance Security
- 35.434.050 - Agricultural (AG-I) Zone Landscaping Requirements
- 35.434.060 - Residential Zones Landscaping Requirements
- 35.434.070 - Commercial Zones Landscaping Requirements
- 35.434.080 - Special Purpose Zones Landscaping Requirements
- 35.434.090 - Landscaping Requirements for Parking Areas

35.434.010 - Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, enhance the quality of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

35.434.020 - Applicability

The provisions of this Chapter apply to new, existing, and future development and land uses.

35.434.030 - Landscape Plans

- A. Landscape plans.** Landscape plans shall be required in compliance with Section 35.434.050 through Section 35.434.090 below, as a condition of an approved project, and where a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) is required. A landscape design professional shall prepare landscape plans. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."
- B. Plan review.**
 - 1. Director.** For landscape plans that do not require review and approval by the Montecito Board of Architectural Review in compliance with Subsection B.2 (Montecito Board of Architectural Review) below, the Director shall review the landscape plan and shall approve, conditionally approve, or deny the plan.
 - 2. Montecito Board of Architectural Review.** The Montecito Board of Architectural Review shall approve, conditionally approve, or deny:
 - a. Landscape plans required by the Montecito Board of Architectural Review.
 - b. Landscape plans that require review and approval of the landscape plan by the Montecito Board of Architectural Review as a condition of approval of a planning permit.
- C. Duration.** Landscaping shall be installed and permanently maintained in accordance with the approved landscape plan.

35.434.040 - Landscape Agreement and Performance Security

- A. Landscape agreement and performance security required.** Prior to the issuance of a Coastal

Development Permit in compliance with Section 35.472.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), or a Zoning Clearance in compliance Section 35.472.190 (Zoning Clearances), a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period shall be filed with the Department in compliance with Section 35.474.020 (Performance Guarantees) and Section 35.474.070 (Post Approval Inspections).

- B. Performance security release.** Performance securities shall be released upon approval by the Director for the installation, and the remaining performance security for landscaping maintenance shall be released at the end of the designated time period, provided the planting has been adequately maintained in compliance with Section 35.474.020 (Performance Guarantees) and Section 35.474.070 (Post Approval Inspections).

35.434.050 - Agricultural (AG-I) Zone Landscaping Requirements

- A. Agricultural (AG-I) zone.** A landscape plan shall be approved for the following development within the AG-I zone:
- 1.** A commercial hothouse, a greenhouse, or other plant protection structure shall require a landscape plan in compliance with the following:
 - a. Plan requirements.** The plan shall include landscaping that, within five years, will reasonably screen the view of structures and onsite parking areas from adjacent public streets. The plan shall also include landscaping along all public streets. The landscaping shall consist of plant material compatible with existing plants and may include existing trees and plants on the property.
 - b. Installation requirements.** Landscaping shall be completely installed prior to final Building Permit inspection..
 - c. Maintenance requirements.** The landscape agreement shall guarantee the maintenance of the landscaping for a minimum of two years.
 - d. Parking areas.** Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

35.434.060 - Residential Zones Landscaping Requirements

- A. Design Residential (DR) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:
- 1.** Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.
 - 2.** A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.
 - 3.** A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.
 - 4.** Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.
- B. Planned Residential Development (PRD) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the

following:

1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
2. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.
3. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.434.070 - Commercial Zones Landscaping Requirements

A. Neighborhood Commercial (CN) zone. A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, those items listed below. The Montecito Commission may alter the landscaping requirements listed below where it finds that such alterations are warranted by topographic conditions.

1. A minimum of five percent of the net lot area shall be landscaped.
2. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing and proposed streets shall be provided adjacent to any portion of a lot that abuts a residential zone. The wall shall be reduced in height to three feet when located within a front setback area.
3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street has a residential zone.
 - a. The area between the wall and the street right-of-way line shall be landscaped.
 - b. This requirement shall not apply to areas provided for site access.
4. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

B. Resort/Visitor Serving Commercial (CV) zone. A landscape plan shall be approved for all development within the CV zone. The landscape plan shall include, at a minimum, the following:

1. An adequate buffer area with a minimum width of 10 feet comprised of fencing, walls, plant materials, or any combination thereof, shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
2. Cottage units shall be separated by landscaping to minimize the bulk and scale of development.
3. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

35.434.080 - Special Purpose Zones Landscaping Requirements

A. Public Utilities (PU) zone. A landscape plan shall be approved for all development within the PU zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.
2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

B. Recreation (REC) zone. A landscape plan shall be approved for all development within the REC zone. The landscape plan shall include, at a minimum, the following:

1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.
2. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

C. Transportation Corridor (TC) zone - Coastal Zone. A landscape plan shall be approved for all development within the TC zone. The landscape plan shall include, at a minimum, the following:

1. Landscaping shall not conflict with the safety and visibility requirements of Transportation Corridor uses.
2. Drought-tolerant native species shall be utilized to the maximum extent feasible.
3. To the maximum extent feasible, development, including expansions of the U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities that exist along the affected transportation corridor, or to replace landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.
4. Parking areas shall be landscaped in compliance with Section 35.434.090 (Landscaping Requirements for Parking Areas) below.

35.434.090 - Landscaping Requirements for Parking Areas

In addition to the applicable landscaping requirements contained within Section 35.434.050 through Section 35.434.080 above, parking areas shall be landscaped in compliance with the following requirements. For the purpose of landscaping and screening requirements within this Chapter, parking area includes the parking spaces and the maneuvering space necessary for their use.

- A. Screening between residential and nonresidential uses.** Where nonresidential parking areas abut residentially zoned or developed property a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.
- B. Existing trees.** The design of the parking area should make the best use of this growth and shade provided by existing trees on the project site.
- C. Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in

height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.

D. Additional requirements for uncovered parking areas exceeding 3,600 square feet. When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:

1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
2. Landscape islands shall be provided at the ends of all parking lanes.

CHAPTER 35.436 - PARKING AND LOADING STANDARDS

Sections:

- 35.436.010 - Purpose and Intent
- 35.436.020 - Applicability
- 35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions
- 35.436.040 - Required Number of Spaces: Agriculture Uses
- 35.436.050 - Required Number of Spaces: Residential Uses
- 35.436.060 - Required Number of Spaces: Nonresidential Uses
- 35.436.070 - Standards for All Zones and Uses
- 35.436.080 - Standards for Agricultural Zone and Uses
- 35.436.090 - Standards for Residential Zones and Uses
- 35.436.100 - Standards for Nonresidential Zones and Uses

35.436.010 - Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards in this Chapter shall be considered minimums, and more extensive parking provisions may be required by the Montecito Commission as a condition of project approval when the Montecito Commission is the original review authority.

35.436.020 - Applicability

Every use, including a change or expansion of a use or structure, except as otherwise provided for in Chapter 35.491 (Nonconforming Uses, Structures, and Lots) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

35.436.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions

- A. **Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.
- B. **Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.436.040 - Required Number of Spaces: Agriculture Uses

Agricultural parking standards shall be in compliance with the provisions in this Section and Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.080 (Standards for Agricultural Zone and Uses) below.

Table 3-2 - Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouses, or other plant protection structures	2 spaces per acre of land in such use

35.436.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in Section

35.436.070 (Standards for All Zones and Uses) and Section 35.436.090 (Standards for Residential Zones and Uses) below.

Table 3-3 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (3)	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse
Residential second dwelling unit	1 space per bedroom

Notes:

- (1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.
- (2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- (3) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

35.436.060 - Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in Section 35.436.070 (Standards for All Zones and Uses) and Section 35.436.100 (Standards for Nonresidential Zones and Uses) below.

Table 3-4 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court
School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area

Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, , etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g., banks, lawyers' offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area

35.436.070 - Standards for All Zones and Uses

Off-street parking areas in all zones and for all uses shall be developed in the compliance with the standards in this Section, and as provided in Section 35.436.080 through Section 35.436.100.

A. Bicycle parking requirements. For development (other than one-family dwellings or two-family dwellings) that is subject to the requirements of a Development Plan, the Montecito Commission shall determine if there is a need to provide bicycle parking. If a need exists, the Montecito Commission shall then determine the required number of bicycle parking spaces, bike racks, and locking devices that shall be provided.

B. Construction and design.

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.
2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.
4. Except for residential uses within the 20-R-1 through 7-R-1, and 7-R-2 zones, parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.
5. The design of parking areas shall not require the moving of a car to gain access to a required parking space unless the applicable zone regulations specifically allow tandem parking.
6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.
7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-5 (Parking Dimensions: One-Way Traffic) and Table 3-6 (Parking Dimensions: Two-Way Traffic), below, and as illustrated in Figure 3-8 through Figure

3-10, below.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.
2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between any obstruction to vehicular traffic.
3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Montecito Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Montecito Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The imposition of these special requirements shall be final subject to appeal to the Board in compliance with Chapter 35.492 (Appeals).

D. Gross floor area measurement. For the purposes of this Chapter, gross floor area shall be the measure of the square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.

E. Fractional space. Where the standards result in a fractional space, the next larger whole number shall be the number of spaces required.

F. Handicapped parking spaces. Parking areas shall provide handicap parking spaces as required under State and Federal law.

G. Joint use of parking facilities for mixed use development. In order to encourage efficient use of commercial parking space and good design practices, the total parking requirements for conjunctive uses and mixed uses shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the peak parking period.

H. Location. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

I. Maintenance of minimum parking requirements. The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.

J. Maintenance of parking areas and parking spaces. A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with Section 35.442.160 (Residential Second Units), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans), Section 35.472.120 (Modifications), or Section 35.472.180 (Variances).

L. Parking requirement not listed. Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.

M. Size. Parking space sizes shall comply with the following standards:

1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.
2. Nonresidential parking spaces:
 - a. Compact spaces shall be a minimum of 8 feet wide by 14.5 feet long.
 - b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.

35.436.080 - Standards for Agricultural Zone and Uses

A. Marking or striping.

1. Agricultural developments not requiring Development Plan approval shall not be required to comply with design specifications for marking or striping, except for handicap parking spaces required under State and Federal law.
2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.436.070.B.3 above.

B. Screening - Greenhouses. Onsite parking areas for greenhouses, and other plant protection structures located shall be screened from the view of adjacent public streets in compliance with Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.436.090 - Standards for Residential Zones and Uses

A. Location. Required residential parking spaces shall be provided on the same site that the dwelling is located. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.

B. Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones. For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.

C. Storage of oversized vehicles, Inland area, R-1/E-1 and R-2 zones. On property zoned either R-1/E-1 or R-2 zone, no portion of an actual yard shall be used for a period of 48 or more consecutive hours for the storage of motor vehicles over seven feet in height, trailers, airplanes, boats, campers, or camper shells, unless screened from the abutting streets and adjacent properties by landscaping, fencing, or walls. Within this subsection, the term “yard” is defined as an open space that lies between any principal or accessory building and the nearest lot line.

D. Tandem parking. Tandem parking shall be allowed on residentially zoned lots of 7,000 square feet or less.

E. Design Residential (DR) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.
2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance

with Subsection 35.434.060.A (Design Residential (DR) zone Requirements) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

3. **Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.
4. **Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and, five feet to any other property line.

F. Planned Residential Development (PRD) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.
2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened and landscaped in compliance with Subsection 35.434.060.B (Planned Residential Development (PRD) zone) and Section 35.434.090 (Landscaping Requirements for Parking Areas).

35.436.100 - Standards for Nonresidential Zones and Uses

- A. **Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.
- B. **Location.** For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys.
- C. **Off-street loading facilities.** Off-street loading facilities shall be in compliance with the following standards:
 1. **Number of loading spaces.** For every newly constructed structure to be occupied by commercial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., retail store, market, restaurant, hotel), one off-street loading space shall be provided for every 3,000 or more square feet gross floor area.
 2. **Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.
 3. **Setback restrictions.** The space may not be located in any part of any required front or side setback.
 4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.
- D. **Neighborhood Commercial (CN) zone.** Required parking spaces shall be provided as follows:
 1. On the same lot or premises as the main structure;
 2. In public or private parking lots permanently committed to parking within 500 feet of the lot or premises on which the main structure is located as measured along streets not alleys.
- E. **Resort/Visitor Serving Commercial (CV) zone.**
 1. The Montecito Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space.
 2. Parking areas shall be broken into small groupings of parking spaces and shall be fully landscaped.

- F. Public Works and Utilities and Private Service Facilities (PU) zone, Coastal Zone.** Within the Coastal Zone, roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.

Table 3-5 - Parking Dimensions: One-Way Traffic
(All Dimensions in Feet)

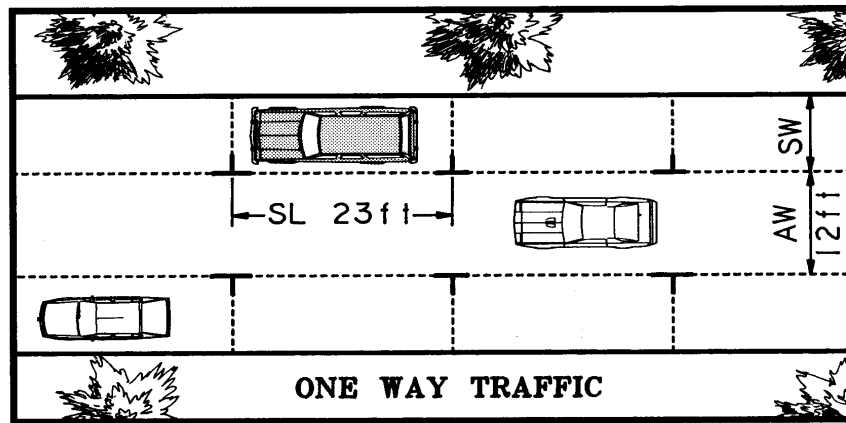
Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

Table 3-6 - Parking Dimensions: Two-Way Traffic
(All Dimensions in Feet)

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	48.5	48.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

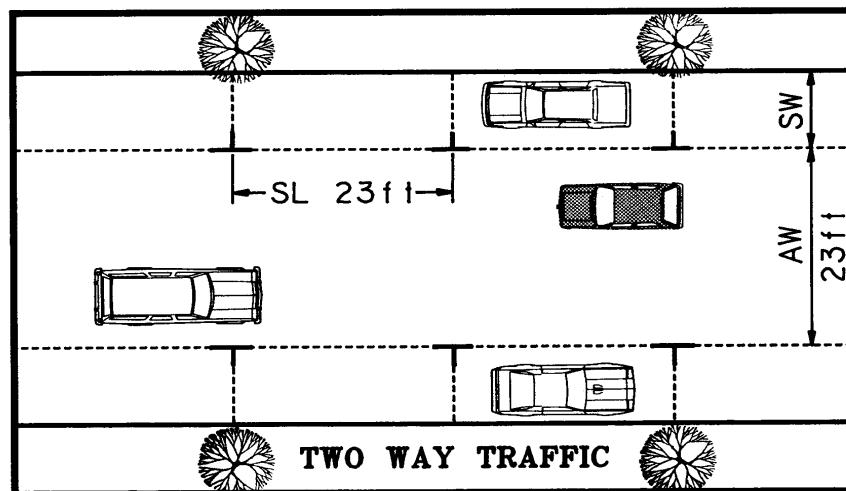


Figure 3-8 - Parallel Parking Diagram

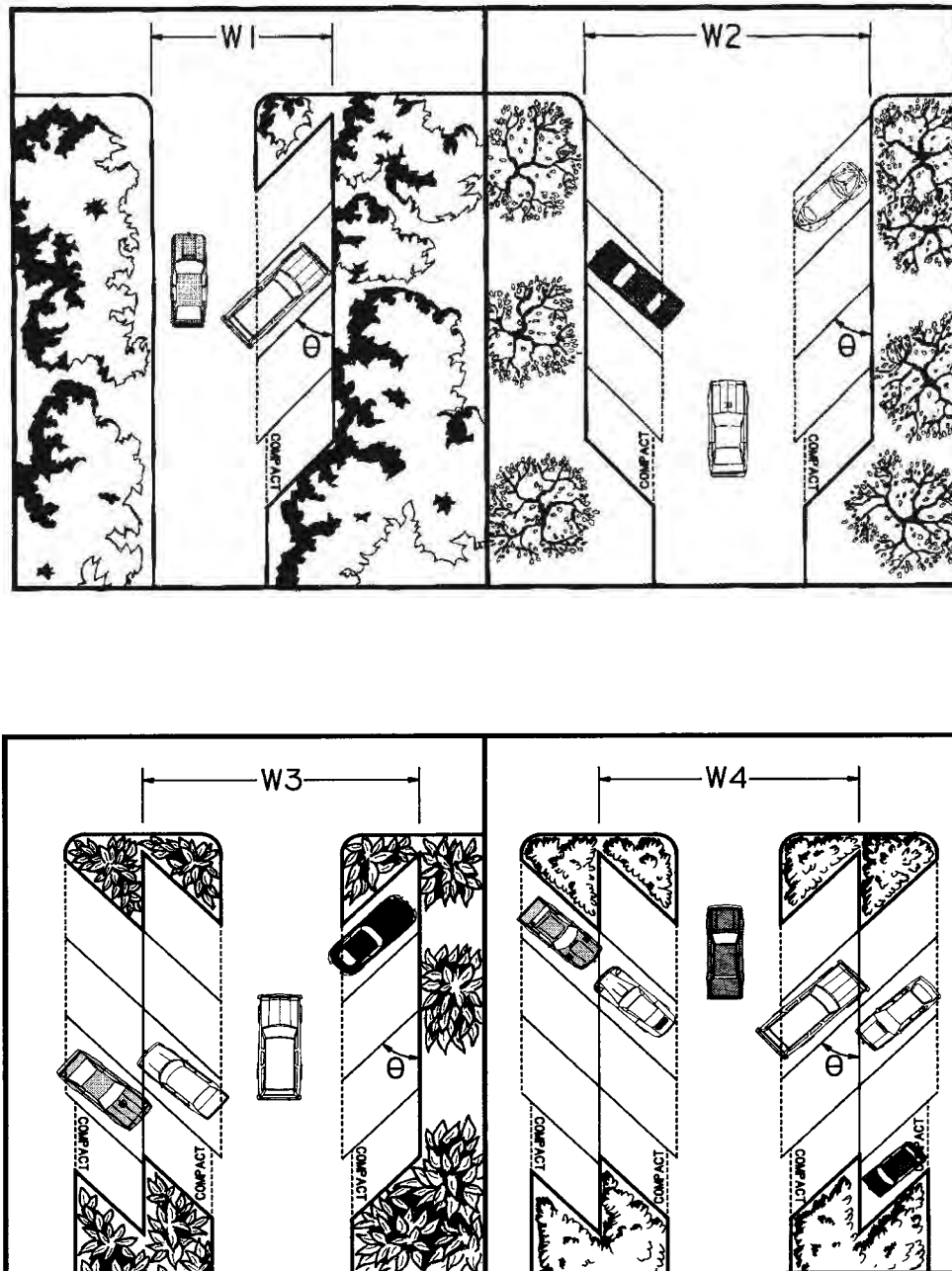


Figure 3-9 - Angle Parking One-Way Traffic Diagram

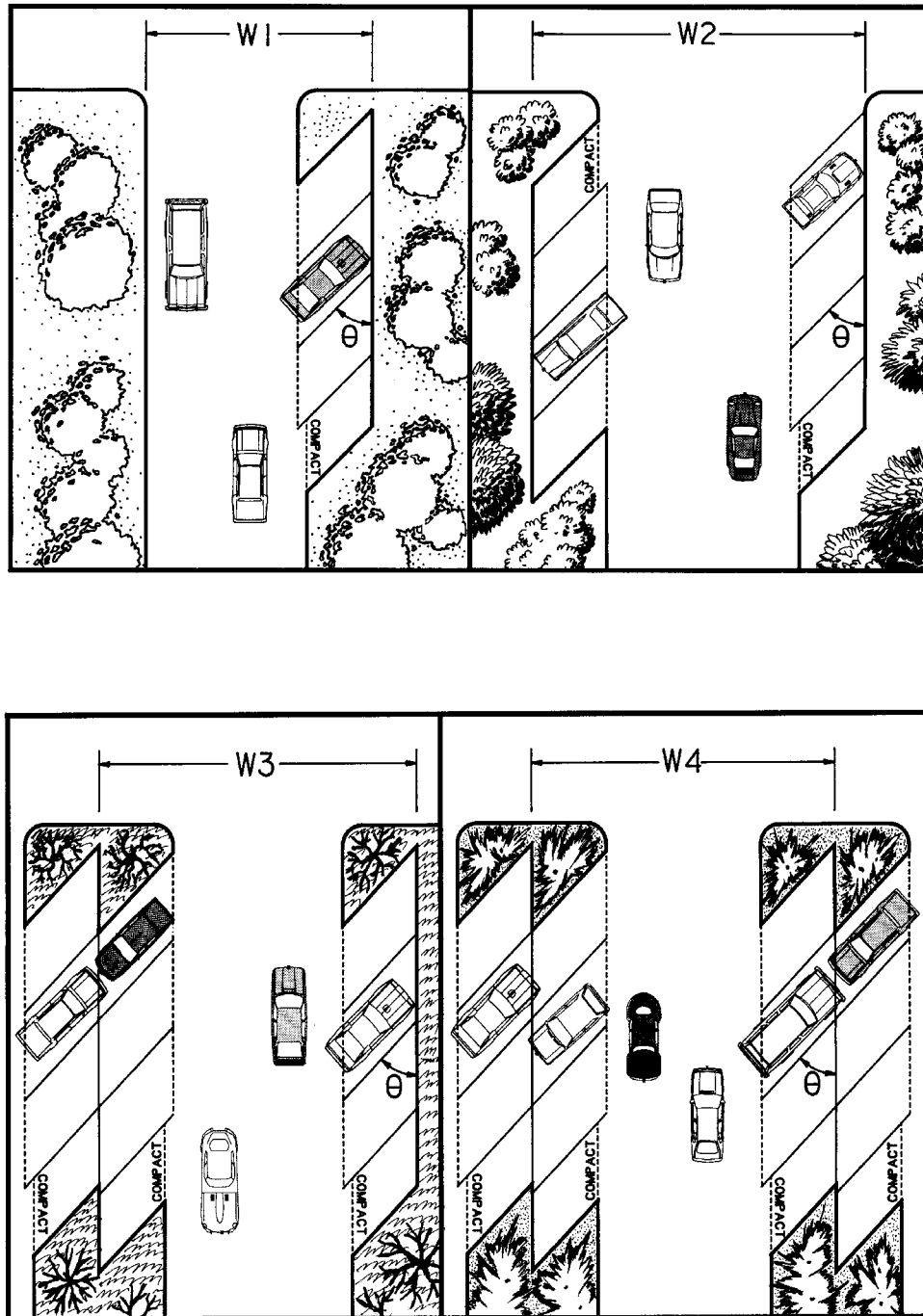


Figure 3-10 - Angle Parking Two-Way Traffic Diagram

CHAPTER 35.438 - SIGN STANDARDS

Sections:

- 35.438.010 - Purpose
- 35.438.020 - Prohibited Signs
- 35.438.030 - Exempt Signs, Flags, and Devices
- 35.438.040 - Permit Requirements
- 35.438.050 - Requirements for All Signs
- 35.438.060 - Signs Allowed in All Zones
- 35.438.070 - Signs Allowed in Agricultural Zone
- 35.438.080 - Signs Allowed in Residential Zones
- 35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers
- 35.438.100 - Signs Allowed in Shopping Centers
- 35.438.110 - Nonconforming Signs
- 35.438.120 - Violations and Enforcement of Sign Regulations

35.438.010 - Purpose

This Chapter provides standards that balance the legitimate private purpose of signs (e.g., the identification and promotion of the seller to the buyer) with the public purpose of protection of the health, safety and welfare of the County. Public purposes most directly expressed in the regulation of signs in the County are traffic safety as related to the diversion of a vehicle driver's attention from the road and the economic and aesthetic welfare of the County as related to existing and future economic interests that depend in large measure upon the County's ability to maintain its well-established reputation as an attractive area, both as to natural and man-made features, in which to visit and to live.

See "Signs" within Division 35.10 (Glossary) for definitions related to signage as used within this Chapter.

35.438.020 - Prohibited Signs

The following signs are prohibited in all zones within the unincorporated area of the County.

- A. Animated signs.
- B. Marquee signs.
- C. Portable signs.
- D. Roof signs.

35.438.030 - Exempt Signs, Flags, and Devices

The following signs, flags, and devices are exempt from the provisions of this Chapter:

- A. Flags of a governmental entity (e.g., United States, California, Santa Barbara County, municipalities within Santa Barbara County, other governmental entities).
- B. Signs and devices erected by a governmental entity, including public schools.
- C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).
- D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- E. Signs located entirely within structures.

35.438.040 - Permit Requirements**A. Permit requirements.****1. Sign Certificates of Conformance required.**

- a. Except for the exempt signs identified in Section 35.438.030 (Exempt Signs, Flags, and Devices) above, and the signs identified in Subsection 1.c below, a sign shall not be erected, applied, installed, affixed, altered, relocated, or projected as an image and a copy shall not be changed without a Sign Certificate of Conformance issued in compliance with Section 35.472.150 (Sign Certificates of Conformance) and, if required, Section 35.472.130 (Overall Sign Plans).
- b. Sign Certificates of Conformance are not required to change the copy in an approved changeable copy sign and off-site sign or to repair, maintain or clean an existing sign.
- c. The following signs shall comply with the regulations of this Chapter but may be erected, installed, affixed, altered, or relocated without a Sign Certificate of Conformance:
 - (1) For sale, lease, or rent signs.
 - (2) Farm organization signs.
 - (3) Sale of farm products signs.
 - (4) Combination farm signs.
 - (5) Temporary identification signs for recorded subdivisions.

2. **Application.** The required permit application shall be filed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

35.438.050 - Requirements for All Signs**A. Architectural projections and sign structures.**

1. Architectural projections or sign structures shall not increase the number or area of allowed signs, nor shall they be used as a device that is, in itself, a sign, unless the sign is allowed under this Chapter.
2. Sign structures shall be free of unsightly supporting features (e.g., bracing, angle iron, guy wires, and cables).

B. Height and setback requirements. Signs and sign structures shall meet the height and setback regulations of the specific zone in which they are located. Freestanding signs are structures for the purposes of the Development Code.**C. Measuring sign area.** In applying the sign area standards of this Chapter, the periphery of the sign shall be established by drawing not more than eight straight lines encompassing the extremities of the sign within the smallest possible area. In the case of freestanding signs, the entire background area shall be included in the sign area measurements. In the case of a double-faced sign, only one face of the sign shall be included in the sign area measurement. Supporting structures so designed to perform an advertising function shall be included in the sign area. In the case of wall signs, the background area shall be included in the sign area measurements only if it is of a distinctive color, material, texture, or shape, the primary purpose of which is to enhance the advertising value of the sign, as determined by the Director.**D. Measuring sign height.** The height of a sign is the vertical distance from the uppermost point used in

measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

- E. Measuring street frontage.** If the property abuts two or more streets, the length of the street frontage of the street carrying the greatest amount of traffic shall be used to determine if the property may be allowed to have freestanding sign unless the traffic is equal on two or more streets, in which case the length of the longest street frontage shall be used.

35.438.060 - Signs Allowed in All Zones

A. Changeable copy signs.

- 1. Religious institutions.** Each religious institution may be allowed one onsite changeable copy sign using perimeter lighting, not exceeding 24 square feet in area, and not exceeding a height of 10 feet above ground level.
- 2. Service stations.** Service stations may utilize changeable copy only for displaying gas prices.

- B. Construction signs.** On a building site during construction and to be removed prior to final building inspection: one onsite, temporary, unlighted sign not exceeding eight square feet.

C. Directional and informational signs.

1. County owned official signs in compliance with the following:

- a. The content, design, shape and size, shall be subject to final approval by the Board; however, in no case shall such signs exceed 400 square feet in total area for any one sign.
- b. The informational content of the sign shall be limited to the name of the area within the County, its distance from the sign and other directional and informational matter designed to inform the traveling public of the accommodations, points of interest, or resources existing in the area.
- c. The sign shall not mention, or be used in any way to for the advertising of any individual business.
- d. The sign shall be placed so as to be visible by the traveling public but shall not be placed as to interrupt a traveler's view of the skyline from the highway or obstruct any desirable view of the public from the highway.
- e. Signs within 10 miles of any area or within 10 miles of the point of departure from the freeway to such area will be allowed in each of two directions from the area.
- f. It is the Board's intention that such signs will be few in number, simple in content, no larger than is necessary to accomplish the purpose, aesthetically pleasing, and that they will genuinely add the public in providing needed information concerning County resources.
- g. Such signs shall be constructed or installed only along freeways within the unincorporated area of the County.
- h. Prior to any installation, construction, moving, removing, replacing, destruction, modification, or redesigning of any such official signs, the Board shall hold a public hearing in compliance with Chapter 35.496 (Noticing and Public Hearings).

2. Other directional and informational signs.

- a. Subject to obtaining a Conditional Use Permit approved in compliance with Section

35.472.060 (Conditional Use Permits) that specifies the size and location of the directional and informational signs.

- b. Limited to those which, in the opinion of the review authority, are necessary to direct or inform the public as to the location of:

- (1) Publicly owned facilities.
- (2) Governmentally (i.e., federal, state, county, or municipality) designated historical points of interest.
- (3) Hospitals.
- (4) Service Club Meetings.
 - (a) The review authority may require that the permittee erect a structure designed to hold more than one service club sign.
 - (b) The permittee shall allow additional service club signs to be placed on the same structure when so required by the review authority.

- (5) Onsite or off-site parking areas if the location is not readily apparent to the public.

D. Entrance/exit signs. One onsite sign for each entrance and exit but not exceeding three feet in height and two square feet in sign area. The sign may be freestanding.

E. Institutional signs. Each facility shall be allowed one onsite institutional sign not exceeding 20 square feet in area.

F. Safety sign. Onsite signs, not exceeding two square feet in sign area, and subject to the approval of the Director as to the necessity for, number, location, and height of these signs.

G. Subdivision signs. For each subdivision of five or more lots where the Tentative Map has been approved by the County, the following signs shall be allowed.

1. One temporary onsite advertising sign.

- a. Not exceeding 32 square feet in area.
- b. Allowed for a one-year period.

2. One additional temporary onsite advertising sign.

- a. Where the subdivision abuts upon two or more streets that do not intersect at or near the subdivision.
- b. Subject to the same conditions as the first sign.

3. Not to exceed three temporary off-site directional and informational signs.

- a. Each not exceeding 12 square feet in area.
- b. Allowed for a one-year period.

4. One temporary lot identification sign.

- a. For each undeveloped lot in the subdivision.
- b. Not exceeding one square foot in area.

- c. Containing only the subdivision lot number.
- d. Allowed until the lot is sold.

35.438.070 - Signs Allowed in Agricultural Zones

A. Farm organization signs.

- 1. Two onsite signs.
- 2. Each sign not to exceed four square feet in sign area.

B. Sale of farm products signs.

- 1. Advertising the allowed sale of farm products grown on the premises.
- 2. One onsite, freestanding sign not to exceed 25 square feet in sign area.

C. Identification signs.

- 1. Limited to identifying a ranch, farm, or other use existing and permitted on the property.
- 2. Two onsite signs, each not to exceed 25 square feet in sign area.

D. Combination farm signs.

- 1. One for each farm or ranch.
- 2. An onsite, freestanding sign not to exceed 25 square feet in sign area.

E. For sale, lease, or rent signs.

- 1. To advertise the sale, lease, or rent of a farm or ranch.
- 2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.

35.438.080 - Signs Allowed in Residential Zones

A. For sale, lease, or rent sign.

- 1. On a residential lot except for the initial sale in a subdivision.
- 2. One temporary, onsite, unlighted sign not exceeding six square feet in sign area.

B. Identification sign.

- 1. Limited to wall signs.
- 2. Not to exceed two square feet of sign area per residential dwelling unit.
- 3. Not to exceed a total of 20 square feet of sign area per building.

C. Gate or entrance sign.

- 1. Not to exceed two signs at any one entrance.
- 2. Not to exceed 20 square feet in aggregate sign area at any one entrance.
- 3. Subject to issuance of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

35.438.090 - Signs Allowed in Commercial Zones Outside of Shopping Centers

- A. Identification and gate or entrance signs.** Identification signs and gate or entrance signs in compliance with Subsection 35.438.080.B (Identification sign) and Subsection 35.438.080.C (Gate or entrance sign) above.
- B. For sale, lease, or rent signs.**
1. To advertise the sale, lease, or rent of a lot or premises.
 2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.
- C. Wall signs.**
1. For each enterprise, one on each street frontage.
 - a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.
 - b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.
 - c. Each sign shall not exceed 100 square feet in sign area unless a Sign Modification is approved in compliance with Section 35.472.160 (Sign Modifications).
 - d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used on a wall sign and wall signs may exceed the allowed size subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
- D. Under canopy signs.**
1. One for each enterprise having entrance under or offering service under the canopy.
 2. Not exceeding six square feet in sign area.
 3. Lower edge of the sign shall be at least eight feet above finished ground level.
- E. Projecting signs.**
1. One projecting sign on each street frontage consisting of only a symbol with or without words relating to the activity on the premises.
 2. Shall not project more than three feet beyond the structure façade.
 3. Shall not exceed three square feet in sign area.
 4. The lower edge of the sign shall be at least eight feet above finished ground level.
 5. Shall not be lighted.
- F. Arcade signs.**
1. One sign per street frontage may be located on an arcade where an arcade obstructs the view from the street of a wall sign located under the arcade and the arcade exists under a valid encroachment permit.

2. Shall not exceed 10 square feet in sign area.
3. Shall not be lighted.

G. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection C. (Wall signs) above and Subsection H. (Freestanding signs) below, menu boards for drive-through restaurants subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.
3. Free-standing menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a Sign Modification is approved in compliance with Section 35.472.160 (Sign Modifications).

H. Freestanding signs.

1. One on each lot occupied by an enterprise, if the lot has a street frontage of at least 125 feet.
 - a. Not more than two separate signs may be placed on each freestanding sign structure.
 - b. If only one sign is placed on a freestanding sign structure, it shall not exceed 100 square feet in sign area.
 - c. If two signs are placed on a freestanding structure, the lower sign shall not exceed 20 square feet in sign area, and the total area of both signs shall not exceed 100 square feet. The lower sign area may be a changeable copy sign or a multiple copy sign.
 - d. The height of a freestanding sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
 - e. A part of the sign or supporting structure shall not project over the street right-of-way.
 - f. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
 - g. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on the freestanding sign. The sign may exceed the allowed size with approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

35.438.100 - Signs Allowed in Shopping Centers

A. Conformance with Overall Sign Plan. All signs located within a shopping center, except service station signs, shall conform to an Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans). Signs for service stations may be allowed compliance with Section 35.438.090 (Signs

Allowed in Commercial Zones Outside of Shopping Centers) above.

B. Wall signs.

1. For each enterprise, one on each frontage or an area open to the public.
 - a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.
 - b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.
 - c. Not to exceed a 100 square feet of sign area unless a larger sign area is allowed within an Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).
 - d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on wall signs and wall signs may exceed the permitted size with approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

C. Under canopy signs.

1. One for each enterprise having entrance under or offering service under the canopy.
2. Not to exceed six square feet in area unless otherwise provided in the Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).
3. Lower edge of the sign shall be at least eight feet above finished ground level.

D. Projecting signs.

1. One for each enterprise on each street frontage to which the lot has access when specifically allowed in the Overall Sign Plan approved in compliance with Section 35.472.130 (Overall Sign Plans).
2. Sign copy shall consist of only a symbol, with or without words, relating to the activity on the premises.
3. Shall not project more than three feet beyond the structure façade.
4. Not to exceed three square feet in sign area.
5. Lower edge of the sign shall be at least eight feet above finished ground level.
6. Sign shall not be lighted.

E. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection B. (Wall signs) above and Subsection F. (Freestanding signs) below, menu boards for drive-through restaurants shall be allowed subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.

3. Freestanding menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a larger area is allowed in compliance with Section 35.472.130 (Overall Sign Plans).

F. Freestanding signs.

1. One for each shopping center if the shopping center has a street frontage of at least 125 feet, not including any street frontage occupied by a service station.
2. Not more than one sign may be placed on each freestanding sign structure.
3. Sign shall only identify the shopping center and may not advertise or identify an enterprise or service conducted or merchandise sold within the shopping center.
4. Changeable copy shall not be used.
5. Sign shall not exceed 100 square feet in area.
6. The height of the sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
7. No part of the sign or sign structure shall project over the street right-of-way.
8. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
9. More than one freestanding sign, a larger sign, or a higher sign may be allowed in compliance with Section 35.472.130 (Overall Sign Plans).

35.438.110 - Nonconforming Signs

A. Nonconforming signs. A sign that was lawfully erected and maintained before May 28, 1970 or the effective date of any applicable amendment to sign regulations of this Chapter, including predecessor ordinances, but that does not comply with the provisions of this Chapter or any amendments, is a nonconforming sign.

1. "Lawfully erected" shall include:
 - a. Signs erected before a sign regulation was applicable to the property.
 - b. Signs erected in compliance with the then applicable sign regulations, but for which a permit or other clearance was not required.
 - c. Signs erected in compliance with an approved Development Plan, Sign Modification, Variance, or a Conditional Use Permit.
2. "Lawfully maintained" shall include:
 - a. Signs maintained in compliance with the applicable sign regulations existing immediately before May 28, 1970, including signs maintained in compliance with Development Plans, Sign Modification, Variances, or Conditional Use Permits.

- b. Signs maintained as nonconforming signs without a termination date under an operative amortization period.
- 3. "Nonconformance" may include:
 - a. Sign use.
 - b. Type of sign.
 - c. Height.
 - d. Location.
 - e. Number.
 - f. Size.
 - g. Failure to comply with an approved Overall Sign Plan for a shopping center.
- 4. "Nonconformance" does not include failure to obtain any permit or other clearance required at the time the sign was erected.

B. Abatement. Nonconforming signs may be continued and maintained for a nine-year period of amortization from the date of any amendment rendering them nonconforming. At the end of the nine-year amortization period, nonconforming signs lose their status as nonconforming signs and become illegal signs in violation of the provisions of this Chapter and shall be removed or brought into conformance by obtaining a permit, if allowed.

C. New signs during nine-year amortization period.

- 1. **Outside of shopping centers and for service stations.** In all zones, except for non-service station uses in shopping centers, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed on that lot, provided:
 - a. The signs will be in compliance with this Chapter.
 - b. When added together, the nonconforming and conforming signs on the lot will not exceed either the total number of signs or the total sign area for all signs allowed by this Chapter.
 - c. A Sign Certificate of Conformance, if required, is issued by the Director.
- 2. **Within shopping centers, except for service stations, without an Overall Sign Plan.** If an Overall Sign Plan has not been adopted for a shopping center, during a nine-year amortization period, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, and the signs or copy may be maintained for the remainder of the amortization period provided:
 - a. A Sign Certificate of Conformance, if required effective for the remainder of the nine-year amortization period is issued by the Director.
 - b. The signs, except for the nonconformance to an Overall Sign Plan, will be in conformance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual business or those of the management controlled common premises, will not exceed either the total number of the signs or the total sign area for all signs allowed by this Chapter.

3. **Within shopping centers, with an Overall Sign Plan.** If an Overall Sign Plan has been adopted for a shopping center, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, provided:
- a. A Sign Certificate of Conformance, if required is issued by the Director.
 - b. The signs will be in compliance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual or those of the management controlled common premises, will not exceed the total number of signs or the total sign area for all signs allowed by this Chapter.

35.438.120 - Violations and Enforcement of Sign Regulations

- A. Violations.** A sign set up, applied, erected, constructed, altered, affixed, repaired, installed, relocated, enlarged, converted, maintained, or projected as an image contrary to the provisions of this Chapter, shall be and is declared to be unlawful and a public nuisance and shall be subject to the provisions of Chapter 35.498 (Enforcement and Penalties).
- B. Enforcement.** Enforcement of the provisions of this Chapter shall be in compliance with Chapter 35.498 (Enforcement and Penalties).

DIVISION 35.4

Montecito Standards for Specific Land Uses

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Reserved

CHAPTER 35.440 - RESERVED

CHAPTER 35.442 - STANDARDS FOR SPECIFIC LAND USES

Sections:

35.442.010 - Purpose and Applicability
35.442.020 - Accessory Structures and Uses
35.442.030 - Agricultural Employee Dwellings
35.442.040 - Animal Keeping
35.442.050 - Automobile Service Stations
35.442.060 - Caretaker or Employee Housing
35.442.070 - Community Care Facilities
35.442.080 - Conference Centers - Coastal Zone
35.442.090 - Crematoriums, Funeral Homes and Mortuaries - Coastal Zone
35.442.100 - Drive-through Facilities
35.442.110 - Greenhouses
35.442.120 - Guesthouses, Artist Studios, and Cabañas
35.442.130 - Home Occupations
35.442.140 - Mobile Homes on Permanent Foundations
35.442.150 - Residential Project Convenience Facilities
35.442.160 - Residential Second Units
35.442.170 - Spa Facilities - Inland area
35.442.180 - Temporary Uses and Trailers

35.442.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses allowed by Division 35.2 (Montecito Zones and Allowable Land Uses) within individual or multiple zones that require special standards.
- B. Applicability.** A land use and/or activity addressed by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Development Code.
- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).
 - 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Division 35.2 (Montecito Zones and Allowable Land Uses), except where a planning permit requirement is established by this Chapter for a specific land use.
 - 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Division 35.2 (Montecito Zones and Allowable Land Uses) and Division 35.3 (Montecito Site Planning and Other Project Standards). In the event of any conflict between the requirements of this Chapter and those of Division 35.2 or Division 35.3, the requirements of this Chapter shall control. Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.

35.442.020 - Accessory Structures and Uses

- A. Purpose and applicability.** This Section provides standards for accessory structures and uses, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). Accessory structures, including agricultural accessory structures, shall comply with the requirements of this Section.

B. Development standards.

1. **Sequence of construction.** Except in agricultural zones, accessory structures shall not be constructed on a lot until construction of the principal structure has begun or the principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or the principal use has been established and commenced.
2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
3. **Height restrictions.** Accessory structures shall conform to the following height limits:
 - a. **Accessory structures other than barns and stables.** The height limit for accessory structures other than barns and stables is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.
 - b. **Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
 - c. **Fences and walls.** See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.
 - d. **Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.
 - e. **Residential second units.** See Section 35.442.160 (Residential Second Units) for height limits for residential second units.
 - f. **Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) height limits and exception for commercial and noncommercial telecommunication facilities.
4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
 - a. **Location in rear setback.** An accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120), and residential second units (Section 35.442.160) may be located in the required rear setback provided that:
 - (1) It is not attached to the principal structure.
 - (2) It is not located closer than 10 feet to the principal structure.
 - (3) It does not exceed 30 percent of the required rear setback.
 - (4) It does not exceed a height of 12 feet.
 - (5) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (6) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (7) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.

- b. **Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
 - c. **Swimming pools and spas in setback area.** Swimming pools, spas, and appurtenant equipment shall not be located in the required front or side setback areas and shall not be closer than five feet to any property line.
5. **Kitchen or cooking facilities/amenities prohibited.** Accessory structures shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., agricultural employee dwellings, residential second units). Artist studios, cabañas and guesthouses are not dwellings.
6. **Gross floor area and footprint limitations.** Accessory structures, excluding barns and stables, containing one or more accessory uses shall not exceed a building footprint area of 800 square feet, as measured to the interior surface of exterior perimeter walls. For the purposes of this Subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that received preliminary or final design review approval from the Board of Architectural Review and had not been constructed as of May 16, 1995.
7. **Plumbing devices.**
 - a. **Agricultural accessory structures.** Agricultural accessory structures that serve as a primary place of employment or that are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner that specifies the allowable uses of the agricultural accessory structure is recorded in the County public records. Wetbars shall be limited to the following features:
 - (1) A counter area with a maximum total length of seven feet.
 - (2) The counter area may include a bar sink.
 - (3) The counter area may include an overhead cupboard area not to exceed seven feet in length.
 - (4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - (5) Refrigerators are limited to an under-counter unit located within the counter area.
 - (6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.
 - b. **Other accessory structures.** Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless specifically otherwise allowed by this Development Code.
8. **Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g. agricultural employee dwellings, residential second units) accessory structures shall not be used for overnight accommodations.

9. Determination that an accessory structure constitutes a dwelling.

- a. An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:
 - (1) Is configured or occupied for residential purposes, whether permanent or temporary.
 - (2) Contains elements evidencing separate residential occupancy.
- b. Elements to be considered by the Director include:
 - (1) Proximal arrangement and various combinations of
 - (a) Bathing facilities.
 - (b) Closets.
 - (c) Countertops or cupboards.
 - (d) Dishwashers.
 - (e) Exterior entrances.
 - (f) Exterior staircases.
 - (g) Garbage disposals.
 - (h) Interior locking doors.
 - (i) Sleeping lofts.
 - (j) Toilets and sinks or bar sinks.
 - (2) Separate address/mail box designations.
 - (3) Separate balconies, decks, patios or yards.
 - (4) Separate cable lines, phone lines or utility lines.
 - (5) Separate carports, garages or parking areas (covered or uncovered).
 - (6) Other elements at the discretion of the Director.
- c. Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.
- d. The Director's determination that the accessory structure or portion of structure constitutes a dwelling may be appealed in compliance with Chapter 35.492 (Appeals). If the Director's determination is upheld on appeal, then the dwelling may be subject to an enforcement action in compliance with Chapter 35.498 (Enforcement and Penalties).

35.442.030 - Agricultural Employee Dwellings

- A. Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Uses allowed with a Conditional Use Permit.** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:
 - 1. The applicant can document the existing and proposed agricultural use of the land and demonstrate

- a need for additional dwellings to support the use; and
2. The applicant provides proof of the full-time employment of the employees. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employer's DE-3 form.
 - d. Employee's W-2 form.
 - e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - f. Other option approved by the Director.

35.442.040 - Animal Keeping

- A. **Purpose and intent.** This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.
- B. **Applicability.** This Section applies to any keeping of animals as either an accessory and incidental use or principal use, except for pet stores, animal clinics, animal hospitals and veterinarian offices. This Section shall not apply to animals that are less than six months in age.
- C. **In general.**
 1. Animal keeping uses shall comply with the standards in Subsection F. (Specific animal keeping standards) below, and other applicable standards and requirements of this Development Code.
 2. Animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.
 3. Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.
 4. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.
- D. **Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.** Table 4-1 through Table 4-4 identifies the type of animal or animal keeping activity allowed in each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table ("Additional Regulations") includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity.
- E. **Use of property for animals different in species or greater in number.** In all zones, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1 through Table 4-4 or where the number of animals is greater than that specified in Table 4-1 through Table 4-4 in compliance with a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits).

- F. Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection D. (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and Development Code.
- 1. Household pets.** Where allowed in Table 4-1 through Table 4-4, household pets shall be kept in compliance with the following standards:
 - a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs
 - b. There shall be no more than three dogs permitted on a single lot.
 - c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - f. No rooster or peacock shall be kept or raised on the lot.
 - 2. Special standards and requirements for animal keeping in the R-1/E-1, R-2, and DR zones.**
 - a. Accessory use.**
 - (1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - (2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - b. Animal enclosures for large animals.**
 - (1) No stable, barn or other enclosure for large animals (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
 - (2) No portion of a stable, barn or other enclosure for large animals shall be located closer than:
 - (a) 40 feet to any dwelling located on another lot.
 - (b) 70 feet to any street centerline and 20 feet to any street right-of-way.
 - (c) 15 feet from the rear property line.
 - (d) 10 feet from the side property lines.
 - (e) 10 feet from the property lines of an interior lot.
 - c. Limitation on dogs.** No more than three dogs shall be allowed on a lot unless a Conditional Use Permit approved in compliance with Section 35.472.060 (Conditional Use Permits) for either a commercial or non-commercial kennel is first obtained.
 - d. Small non-hoofed animals.** Small non-hoofed animals (e.g., bees, chickens, birds, ducks,

rabbits) may be allowed provided that:

- (1) 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 Public Health Department.
 - (2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - (3) Within the Coastal Zone, no rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.
- e. **Odor and vector control.** Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.
 - f. **Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents 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 to contaminate surface or subsurface water quality.
 - g. **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 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 Chapter 35.498 (Enforcement and Penalties).
 - i. **Drainage.** Where livestock are kept in enclosed corrals or barns, provisions 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. **Special standards and requirements for animal keeping in the RMZ zone.** In the RMZ zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
 4. **Wildlife species rehabilitation.** The rehabilitation of wildlife species that commonly occur within the County is allowed in all zones subject to the following requirements. For the purposes of this Section, the rehabilitation of wildlife species shall mean the provision of nursing care to sick or injured wildlife prior to returning the animal to the wild.
 - a. **Permit requirements.** No permit is required for wildlife species rehabilitation activities except that permits may be required by other provisions of this Development Code (e.g., for structures used to enclose or house animals) and by other chapters of the County Code. However, such structures shall not be allowed on lots zoned RMZ.
 - b. **Development standards.** Wildlife species rehabilitation activities shall comply with the standards of Subsection 2.b, Subsection 2.e, and Subsection 2.f, above.
 - c. **Cessation of wildlife rehabilitation activities.** 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 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 the wildlife species rehabilitation activities. The decision of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

G. Multiple animal types. More than one species of animals allowed in compliance with Subsection D. may be kept on a single lot provided that:

1. The requirements of Subsection D and Subsection F and all other applicable provisions of this Section are satisfied for each species.
2. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection D., the total number of animals shall not exceed the density requirement (e.g., in the R-1/E-1 zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of site area with a maximum of five such animals per lot. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

Table 4-1		E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed		
Animal Keeping in Agricultural and Resource Protection Zones: AG-I, RMZ				
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses; llamas, mules and alpacas; ostriches (3)	AG-I	E	1 animal per 20,000 sf	
	RMZ	E	None	35.442.040.F.3
Commercial boarding and raising of animals	AG-I	CUP	None	
	RMZ	—		
Dogs (3)	AG-I		3	
	RMZ			
Goats and sheep (3)	AG-I	E	3 animals per 20,000 sf	
	RMZ	E	None	35.442.040.F.3
Hogs and swine (3)	AG-I	E	3 animals per 20,000 sf: maximum 3 per lot	
	RMZ	E	None	35.442.040.F.3
Household pets	AG-I	E	None	35.442.040.F.1
	RMZ	E		
Kennel, Commercial	AG-I	CUP	None	
	RMZ	—		
Kennel, Non-Commercial (3)	AG-I	E	None	
	RMZ	E		35.442.040.F.3
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	AG-I	E (4)	None	
	RMZ	E		35.442.040.F.3
Wildlife species rehabilitation	AG-I	E	None	35.442.040.F.4
	RMZ	E		

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I CZ).
- (2) See Subsection 35.442.040.G (Multiple animal types) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) Exempt "E" only if limited to reasonable family use on a non-commercial basis. CUP required if constitutes a commercial operation.

Table 4-2		E	Allowed use, no permit required (Exempt)	
Animal Keeping in Residential Zones:		P	Permitted use, Land Use or Coastal Permit required	
R-1/E-1, R-2, DR, PRD		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Cows, goats, horses, mules and similar size animals, not kept for commercial purposes (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Dogs (3)	R-1/E-1			
	R-2			
	DR			
	PRD			
Goats and sheep (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Hogs and swine (3)	R-1/E-1	E	1 animal per 20,000 sf; maximum 5 animals per lot (4)	
	R-2	E		
	DR	E		
	PRD	—		
Household pets	R-1/E-1	E	35.442.040.F.1	35.442.040.F.1
	R-2	E		
	DR	E		
	PRD	E		
Kennel, Commercial	R-1/E-1	—		
	R-2 /	—		
	DR	CUP	None	
	PRD	—		
Kennel, Non-Commercial (3)	R-1/E-1	CUP	None	
	R-2	CUP		
	DR	CUP		
	PRD	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	R-1/E-1	E	None	35.442.040.F.2
	R-2	E		
	DR	E		
	PRD	—		
Wildlife species rehabilitation	R-1/E-1	E	None	35.442.040.F.4
	R-2	E		
	DR	E		
	PRD	E		

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., R-2 and R-2 CZ).
- (2) See Subsection 35.442.040.G (Multiple animal types) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) Within the Coastal Zone, goats, sheep, hogs and swine shall be limited to a maximum of 3 animals per lot.

Table 4-3		E	Allowed use, no permit required (Exempt)
Animal Keeping in Commercial Zones:		P	Permitted use, Land Use or Coastal Permit required
CN, CV		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Household pets	CN	—	
	CV	E	35.442.040.F.1
Wildlife species rehabilitation	CN	E	
	CV	E	35.442.040.F.4

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., CV and CV CZ).
 (2) See Subsection 35.442.040.G (Multiple animal types) above.

Table 4-4		E	Allowed use, no permit required (Exempt)
Animal Keeping in Special Purpose Zones:		P	Permitted use, Land Use or Coastal Permit required
PU, REC		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Zone and Permit Requirement (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Wildlife species rehabilitation	PU	E	
	REC	E	35.442.040.F.4

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., PU and PU CZ).
 (2) See Subsection 35.442.040.G (Multiple animal types) above.

35.442.050 - Automobile Service Stations

A. Purpose and applicability. This Section establishes standards for automobile service stations, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Development standards.

- Gas or gasoline shall not be stored above ground.
- The sale of new or used automobiles, trailers, boats, and other products not related to motorist needs shall not be allowed.
- Tire recapping, battery repair or rebuilding, radiator repair, and steam cleaning shall not be allowed.

35.442.060 - Caretaker or Employee Housing

A. Purpose and applicability. This Section provides standards for caretaker or employee housing, not including agricultural employee dwellings (see Subsection 35.421.060.A. (Agricultural employee dwellings)) where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).

B. Development standards. Caretaker or employee housing shall be occupied by the owner, manager or

caretaker of the lot who oversees or operates the principal use of the property or provides security (e.g., night watchmen).

35.442.070 - Community Care Facilities

A. Purpose and applicability. This Section establishes standards for community care facilities where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). Community care facilities shall be in operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the California Department of Social Services is required for community care facilities.

B. Family day care.

- 1. Small family day care facilities.** Small family day care homes shall be considered a residential use and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) if the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.
- 2. Large family day care facilities.** Large family day care homes shall be considered a residential use and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) subject to the following standards:
 - a. The provider shall have a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.
 - b. The property shall be located more than 300 feet from another large family day care facility and approval shall not result in over concentration.
 - c. The review of large family day care homes in compliance with this Section shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
 - d. Notice of Coastal Development Permit or Land Use Permit approval shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall be mailed to property owners within a 300-foot radius of the site at permit approval.

C. Child care centers.

- 1. Nonresidential child care centers.** Nonresidential child care centers shall comply with the following standards:
 - a. Coastal Zone.** Within the Coastal Zone, nonresidential child care centers shall comply with the following standards.
 - (1) The provider shall obtain a license or a Statement of Exemption from licensing requirements from the California State Department of Social Services in compliance with State law.
 - (2) Outdoor play areas shall be separated from abutting uses by a solid masonry wall not less than four feet in height.
 - (3) The child care center shall be compatible with onsite and abutting commercial uses, as determined by the Department.

- (4) The number of students shall not exceed 30 and the total gross square footage of the facility including outdoor play areas shall not exceed 5,000 square feet.
 - (5) The ambient noise level of the proposed location for the child care center shall not exceed those standards in the Noise Element for sensitive land uses (e.g., residences and schools).
 - (6) The review of nonresidential child care centers in compliance with this Section, when allowed by a Coastal Development Permit, shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
 - (7) Notice of Coastal Development Permit approval shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings) and shall be mailed to property owners with a 300-foot radius of the site at permit approval.
 - (8) When allowed as accessory to a permitted use, the following additional development standards shall apply:
 - (a) The child care center is for the use by the onsite employees of the development; and
 - (b) The child care center is located to ensure compatibility with other permitted uses on the project site and on adjacent lots.
- b. Inland area.** Nonresidential child care centers that are accessory and subordinate to the permitted uses shall comply with the following standards:
- (1) **Location and design.** Non-residential child care facilities shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots.
 - (2) **DR and PRD zones.** Non-residential child care centers in the DR and PRD zones shall be for use by onsite residents and/or employees of the development.
 - (3) **CN and CV zones.** Non-residential child care centers in the CN and CV zones shall be for use by onsite employees of the development.
- 2. Residential child care centers.** Residential child care centers shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#) if the provider is eligible to obtain a license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.
- D. Special care homes.**
- 1. In general.**
 - a.** Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.
 - b.** The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

2. Special care homes serving six or fewer clients.

- a. Considered a residential use.** In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.
- b. Allowable restrictions.** Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
- c. Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- d. Ministerial action.**
 - (1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
 - (2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

3. Special care homes serving seven or more clients.

- a. Considered as residential use.** A special care home serving seven or more clients shall be required to obtain a Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits) prior to the operation of the special care home.
- b. Development standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards).

35.442.080 - Conference Centers - Coastal Zone

- A. Purpose and applicability.** This Section provides standards for conference centers within the Coastal Zone where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Conference centers.**
 - 1. Prohibited uses.** A conference center shall not be used for sales promotional groups or for groups assembled primarily for social purposes.
 - 2. Time limits.** Conference centers may be used by persons assembled for periods of time not to

exceed 60 days. The 60-day limitation may be extended in special circumstances by the Board on recommendation by the Montecito Commission.

35.442.090 - Crematoriums, Funeral Homes and Mortuaries - Coastal Zone

- A. Purpose and applicability.** This Section provides standards for the operation of crematoriums, funeral homes, and mortuaries within the Coastal Zone where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Locations where allowed.** Crematoriums, funeral homes, and mortuaries may be allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits):
 - 1. Within cemeteries operating under a valid use permit.
 - 2. On any lot abutting a cemetery.
- C. Architectural design.** The architectural design of structures shall be compatible with neighboring residential structures.
- D. Signs.** Signs may be allowed in compliance with Chapter 35.438 (Sign Standards) and shall be unobtrusive.
- E. Parking.** Adequate off-street parking area shall be provided for funeral procession assembly areas.

35.442.100 - Drive-through Facilities

- A. Purpose and applicability.** This Section provides standards for the operation of drive-through facilities where allowed in conformance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Standards.**
 - 1. A drive-through facility shall be accessory to a permitted use where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
 - 2. A drive-through facility shall have no greater adverse impact upon air quality than the same use without the drive-through facility.

35.442.110 - Greenhouses

- A. Purpose and applicability.** This Section provides standards for the establishment of greenhouses, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Greenhouses in the AG-I zone.** The following requirements and standards shall apply to greenhouses and greenhouse related development (e.g., packing sheds, storage areas):
 - 1. **Development Plan required.** Approval of a Development Plan shall be required in compliance with Section 35.472.080 (Development Plans) for greenhouses and greenhouse related development that are 20,000 square feet or more in area and all additions, which when added to existing development, total 20,000 square feet or more.
 - 2. **Landscaping.** Landscaping plans shall be required in compliance with Section 35.434.050 (Agricultural (AG-I) Zone Landscaping Requirements).
 - 3. **Lot coverage.** The maximum net lot coverage for all greenhouses and greenhouse related development shall be as follows:

Lot Size	Maximum Lot Coverage
Less than 5 acres	75 percent
5 to 9.99 acres	70 percent
10 acres or more	65 percent

4. **Setbacks.** No greenhouse or greenhouse related structure shall be located within 30 feet of the right-of-way line of any street nor within 50 feet of the lot line of a lot zoned residential. On lots containing five or more gross acres, an additional setback of 30 feet from the lot lines of the lot on which the structure is located shall be required.

C. Greenhouses in residential zones.

1. **300 square feet or less in size.** In the R-1/E-1, R-2, and DR zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:
 - a. Greenhouse structures shall be used only for the propagation and cultivation of plants.
 - b. No advertising signs, commercial display rooms, or sales stands shall be maintained.
 - c. Greenhouse structures shall be accessory to the primary residential or agricultural use.
2. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1 and R-2 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.

- D. Greenhouses in TC zone - Coastal Zone.** In the TC zone, greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the requirements applicable to greenhouses in the AG-I zone as outlined in Subsection B. (Greenhouses in the AG-I zone) above.

35.442.120 - Guesthouses, Artist Studios, and Cabañas

- A. Purpose and applicability.** This Section provides standards for the establishment of guesthouses, artist studios, and cabañas, where allowed by [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#).

- B. Accessory structure and use.** Guesthouses, artist studios, and cabañas are accessory structures and their use shall be accessory to a primary residential use of the lot.

C. Lot size.

1. **Coastal Zone.** Within the Coastal Zone, a guesthouse shall not be located on a lot containing less than one gross acre.
2. **Inland area.** Within the Inland area, a guesthouse shall not be located on a lot containing less than two gross acres.

D. Number on a lot.

1. **Coastal Zone.**
 - a. A lot may contain one artist studio or one guesthouse.
 - b. A lot may contain one cabaña in addition to one artist studio or one guesthouse in compliance with Subsection M. (Cabaña).

2. Inland area.**a. AG-I zone.** On lots zoned AG-I:

- (1) A lot may contain one artist studio or one guesthouse.
- (2) A lot may contain one cabaña in addition to one artist studio or guesthouse in compliance with Subsection M. (Cabaña).

b. Zones other than AG-I. On lots zoned other than AG-I:

- (1) A lot may contain one artist studio and one guesthouse.
- (2) A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M. (Cabaña).

E. Floor area. The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, the guesthouse, artist studio, or cabaña structure may be attached to other accessory structures provided the building footprint area of the combined structure does not exceed 800 square feet and interior access does not exist between the guesthouse, artist studio, or cabaña and the other accessory structure(s).

(1) For the purposes of this Subsection E.:

- (a) Building footprint area is measured to the interior surface of the exterior, perimeter walls; and,
- (b) Footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure.

- (2) Within the Inland area, the 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that received preliminary or final Design Review approval and were constructed before May 16, 1995. However, these projects are still subject to the 800 square foot net floor area limitation on guesthouses, artist studios, pool houses/cabañas, and interior access between these uses and another portion of a combined accessory structure shall not be provided.

F. Height limitations. A guesthouse, artist studio, or cabaña shall not exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guesthouse, artist studio, or cabaña may be located above or below another accessory structure in areas where the H-MON overlay does not apply.

G. Kitchen and cooking facilities prohibited. There shall not be a kitchen or cooking facilities (e.g., ovens including microwave ovens, hot plates) within a guesthouse, artist studio, or cabaña.

H. Wetbars. Guesthouses, artist studios, and cabañas may contain a wetbar limited to the following features:

1. A counter area with a maximum total length of seven feet.
2. The counter area may include a bar sink.
3. The counter area may include an overhead cupboard area not to exceed seven feet in length.
4. The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
5. A refrigerator limited to an under-counter unit located within the counter area.

I. Plumbing facilities.

1. **Guesthouses and cabañas.** Guesthouses and cabañas may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and bathrooms (e.g., toilet, sink, and bathing facilities).
2. **Artist studios.** Artist studios may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and a restroom (i.e. toilet and washbasin). Bathing facilities shall not be allowed in artist studios.

J. Setbacks. Guesthouses, artist studios, and cabañas shall comply with setback requirements applicable to the principal dwelling.

K. Use restrictions.

1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.
2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) for a home occupation issued in compliance with Section 35.442.130 (Home Occupations).
4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection 35.442.020.B.9 (Determination that accessory structure constitutes a dwelling).

L. Notice to property owner. Before issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.

M. Cabaña. A cabaña may be approved in conjunction with a proposed pool or sport court provided that construction of the proposed pool or sport court is completed before or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the sea.

N. Artist studios. Issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation in compliance with Section 35.442.130 (Home Occupations) shall be required prior to the issuance of a Coastal Development Permit or Land Use Permit for an artist studio.

O. Residential second unit. If a residential second unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

35.442.130 - Home Occupations

A. Purpose and applicability. This Section provides development and operational standards for home occupations where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties. The provisions of this Section shall apply to all home occupations. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.

B. Permit requirements.

1. Before the commencement of a home occupation within a dwelling or artist studio, a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) shall be obtained unless the occupation qualifies for an exemption as stated in Subsection D (Exceptions to permit requirements for home occupations) below.
2. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection C (Development standards) below, and any other conditions as may be made part of the Coastal Development Permit or Land Use Permit shall be recorded by the property owner.

C. Development standards. A home occupation shall comply with all of the following development standards:

1. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. 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 internal or external alterations to the dwelling that are not customarily found in residential structures and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
3. The home occupation shall be conducted solely by the occupant(s) of a dwelling 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 lot that contains the home occupation. 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 signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., 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 customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time.
6. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the 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 Subsection 35.436.090.B. (Overnight parking of commercial vehicles, R-1/E-1 and R-2 zones)

shall be kept on the 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, 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 Public Health Department shall be required prior to approval of the Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits).
12. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous 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 shall be exempt 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 onsite or on the street frontage abutting the lot that contains the home occupation.
15. The home occupation shall at all times be conducted in compliance with the conditions and limitations of the foregoing Subsection C.1 through Subsection C.14 above, and any other conditions and/or limitations that may be part of the Coastal Development Permit or Land Use Permit issued to allow the home occupation. Failure to comply with conditions and limitations shall be cause for revocation of the Coastal Development Permit or Land Use Permit in compliance with Section 35.474.060 (Revocations).
16. Occupations that cannot comply with all of the development standards listed in Subsection C.1 through Subsection C.14 above shall not be permitted as home occupations. Examples of prohibited occupations include:
 - a. Onsite automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

D. Exceptions to permit requirements for home occupations. A Coastal Development Permit or Land Use Permit shall not be required for home occupations (e.g., accounting, bookkeeping, consultants in engineering, finance, management, publishing, telephone sales) that meet all of the following criteria:

1. Development standards Subsection C.1 through Subsection C.4, and Subsection C.6 through Subsection C.15 above.
2. Clients or customers shall not be served at the lot that contains the home occupation.
3. Business advertisements, except for business cards and letterhead, shall not list the home address.
4. Business transactions occurring on the lot that contains the home occupation shall occur by telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

E. Violations of home occupation regulations.

1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home

occupation") in an area zoned for residential use before the issuance of a Coastal Development Permit [Section 35.472.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) allowing the home occupation.

2. It shall be unlawful for a person to conduct a home occupation for which a Coastal Development Permit or Land Use Permit has been issued without complying with all conditions attached to the permit.

35.442.140 - Mobile Homes on Permanent Foundations

- A. **Purpose and applicability.** This Section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (52 U.S.C. 5401 et seq.) in compliance with Health and Safety Code Section 18551, where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. **Development standards.** Mobile homes on permanent foundations allowed in compliance with this section shall be subject to the following requirements:
 1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.
 2. Roofing and siding shall be non-reflective.
 3. Siding shall extend to the ground level.

35.442.150 - Residential Project Convenience Facilities

- A. **Purpose and applicability.** This Section provides standards for residential project convenience facilities, where allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. **DR and PRD zones.** In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:
 1. Laundromat.
 2. Meeting rooms.
 3. Accessory uses and structures customarily incidental and subordinate to the residential project.

35.442.160 - Residential Second Units

- A. **Purpose.** This Section establishes procedures and standards for attached and detached residential second units in compliance with California Government Code Section 65852.2 where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). The intent is to encourage a more efficient use of one-family residential zones, where, because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of these zones.
- B. **Applicability.** Residential second units may be located within the R-1/E-1 zone only.
- C. **Allowed density.** In compliance with Government Code Section 65852.2(b)(5) residential second units shall not count toward the allowable density for the purpose of determining consistency with the Comprehensive Plan and zone density standards.

D. Application requirements. A permit application for a residential second unit shall include the following information, in addition to the information required within Chapter 35.470 (Permit Application Filing and Processing):

1. A floor plan drawn to scale of the principal dwelling and the residential second unit.
2. Documentation verifying the principal structure is owner-occupied.
3. The proposed method of water supply and sewage disposal for the residential second unit.

E. Lot area and floor area requirements.

1. Minimum net lot area.

- a. **Attached residential second units.** The minimum net lot area on which attached residential second units may be located shall be 7,000 square feet; however, for lots legally created before June 2, 1966 this minimum net lot area shall be 6,000 square feet.
- b. **Detached residential second units.** The minimum gross lot area on which detached residential second units may be located shall be five acres.

2. **Maximum gross floor area.** For the specified ranges in lot area the maximum residential second unit gross floor area shall not exceed the standards in Table 4-5 (Maximum Gross Floor Area) below.

Table 4-5 - Maximum Gross Floor Area

Type of Residential Second Unit	Lot Area (unless specified = net lot area)	Maximum Second Unit Size (Gross Floor Area)
Attached	6,000 - 9,999 square feet	400 square feet
	10,000 - 19,999 square feet	600 square feet
	20,000 square feet - 1 acre	800 square feet
	Over 1 acre	1,000 square feet
Detached	5 acres (gross) or greater	1,000 square feet

3. **Gross floor area for residential second units.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the second unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.
4. **One residential second unit per lot.** A lot may contain only one attached residential second unit or one detached residential second unit.

F. Development standards.

1. **Standards applicable to all residential second units.** A permit for a residential second unit shall not be approved unless it complies with the following development standards.
 - a. The lot shall contain an existing one-family dwelling at the time an application for an attached or detached residential second unit is submitted, or the application for the second unit shall be submitted in conjunction with the application for the principal dwelling.
 - b. The owner of the lot shall reside on the lot, either in the principal dwelling or in the residential second unit except when, a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or

- other good cause. Before the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), the owner-occupant shall sign and record an agreement with the County requiring that the owner reside on the property.
- c. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall be:
 - (1) If attached, converted into a portion of the principal dwelling; or,
 - (2) If detached, removed or converted into a legal accessory structure.
 - d. The gross floor area of a residential second unit shall be a minimum of 300 square feet.
 - e. The total gross floor area of all covered structures, including a residential second unit, shall not exceed 40 percent of the gross lot area of the lot on which the residential second unit is located.
 - f. A residential second unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be nonconforming as to use, or farm employee housing. If a residential second unit has been approved on a lot, a guesthouse or similar structure shall not subsequently be approved unless the residential second unit is removed.
 - g. The residential second unit shall contain its own kitchen and bathroom facilities.
 - h. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone.
 - i. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the residential second unit or for b) each studio unit. The additional parking shall be provided as specified in the base zone and in Chapter 35.436 (Parking and Loading Standards). The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks, excluding the front setback based on a finding that, because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met. The number of additional parking spaces required for new units shall not be reduced.
 - j. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or mutual water company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium for new connections, or the existing service is by a water system, and if the property is not located in an overdrafted water basin, the residential second unit may be served by a water system subject to review and approval by the Public Health Department or State as applicable.
 - k. A residential second unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department. If determined to be particularly favorable, the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria specified in Appendix D (Development Standards

for Residential Second Units on Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems) shall be satisfied. Appendix D is hereby incorporated by reference.

- l. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to a moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by an onsite wastewater treatment system, the residential second unit may be served by an onsite wastewater treatment system subject to Public Health Department review and approval.
- m. Upon approval of a residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses).
- n. The residential second unit shall not be sold or financed separately from the principal dwelling.
- o. Where there are conflicts between the standards in this Section, and those in Section 35.442.020 (Accessory Structures and Uses), and those in the specific zone regulations in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses), the provisions of this Section shall prevail.
- p. In compliance with ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees before approval of the Coastal Development Permit or Land Use Permit or before final building permit inspection, as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
- q. Within the Coastal Zone the following development standards shall also apply to residential second units.
 - (1) In residential zones, all development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zone overlay map is determined by the County not to be located on the particular lot during application review, this development standard shall not apply.
 - (2) All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35.428.040 (Environmentally Sensitive Habitat Area Overlay).
 - (3) Residential second units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - (4) Residential second units shall not obstruct public access to and along the coast, or public trails.
 - (5) Residential second units shall be consistent with the provisions of the applicable zone

and the policies and development standards of the certified Local Coastal Program.

2. **Standards applicable only to attached residential second units.** In addition to the development standards listed in Subsection F.1 (Standards applicable to all residential second units) above, an attached residential second unit shall comply with the additional development standards below.
 - a. An attached residential second unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area. The floor area of the garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area of the principal dwelling as part of the same permit to allow the attached residential second unit. In the event that an application proposes an addition to the living area of the existing principal dwelling and an attached residential second unit concurrently, the proposed additional living floor area for the principal dwelling shall be used to calculate existing living area of the principal dwelling.
 - b. 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.
 - c. 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 on which the residential second unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached residential second unit on the lot.
3. **Standards applicable only to detached residential second units.** In addition to the development standards listed in Subsection F.1 (Standards applicable to all residential second units) above, a detached residential second unit shall comply with the additional development standards below.
 - a. 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.
- G. **Public notice.** Notice of an approved or conditionally approved Coastal Development Permit or Land Use Permit for an attached or detached residential second unit shall be consistent with Chapter 35.496 (Noticing and Public Hearings).
- H. **Appeals.** The action of the Director to approve, conditionally approve, or deny an application for a residential second unit is final, subject to appeal in compliance with Chapter 35.492 (Appeals).
- I. **Revocation.** Revocation of a Coastal Development Permit or Land Use Permit for a Residential Second Unit shall be in compliance with Section 35.474.060 (Revocations).

35.442.170 - Spa Facilities - Inland area

- A. Purpose and applicability.** The purpose of this Section is to provide development standards for spa facilities and the related use of unique mineral springs located within the Inland area at or in the immediate vicinity of their source while placing appropriate limitations and conditions on the use. The intent is to ensure compatibility with surrounding existing or permitted development and to preserve the unique aesthetic values and features of the areas involved.
- B. Development standards.** Spa facilities shall comply with the following standards:
1. The property shall be designated Mountainous Area on the Comprehensive Plan and located within an RMZ zone.
 2. The spa shall be located on a lot or contiguous lots under one ownership containing a minimum of 300 acres.
 3. The primary area of use shall be defined by the Department and shall not exceed 20 acres. The primary area is that area containing the source of the mineral spring and any buildings, or uses operated as part of the spa, but excluding access roads, utilities, and equestrian and hiking trails.
 4. The spa shall not provide overnight facilities nor allow overnight use of the site.
 5. The Conditional Use Permit shall establish a maximum limit on the number of persons that may use the property at one time.
 6. The Montecito Commission may impose any additional conditions it deems necessary or appropriate to protect the public safety, health, and welfare.

35.442.180 - Temporary Uses and Trailers

- A. Purpose and intent.** The purpose of this Section is to provide permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties through the application of appropriate conditions.
- B. Applicability.**
1. **Does not apply to amusements regulated separately - Inland area.** Within the Inland area, this Section shall not apply to any use of property that is regulated by Chapter 6 (Amusements) of the County Code.
 2. **Permits required.** Each temporary use of land including trailers identified in Table 4-6 through Table 4-9 below, may be allowed in compliance with the approval of the applicable permit identified in the table.
 3. **Similar temporary events/uses.**
 - a. **Exempt from permit requirements.** Other temporary uses that are not included in Table 4-6 through Table 4-9 may be allowed without the requirement for a permit when the Director determines that the proposed temporary use:
 - (1) Is similar to those identified in this Section as being exempt from permit requirements; and
 - (2) The proposed temporary use does not have the potential to result in an adverse effect

- ## Division 35.4 - Montecito Standards for Specific Land Uses

the policies and section 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 may determine that a temporary use shall be subject to a Coastal Development permit in compliance with Section 35.472.050 (Coastal Development Permits) and/or a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.c above, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.
3. **Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use), the Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit or Land Use Permit within 30 days of submittal of a complete application to the Department.
 4. **Notification of Supervisor.** Except for trailers allowed in compliance with Subsection G. (Trailer use), a Coastal Development Permit, Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use shall not be approved (in the case of a Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use/event is proposed, or his or her designated representative, has been notified of the application.
 5. **Notice.** Notice of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use shall be provided in compliance with Chapter 35.496 (Noticing and Public Hearings).
 6. **Appeal.** The action of the review authority to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit, or Land Use Permit for a temporary use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

Table 4-6 Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use or Coastal Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	AG-I	AG-I CZ	RMZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	35.442.180.F.4
Public property	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	CUP	CUP	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	35.442.180.G.8

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
RMZ	Resource Management		

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
LAND USE (1)	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.

Table 4-7 - Continued Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions

Table 4-8 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TEMPORARY EVENTS

Car washes	S	S	S	S	35.442.180.F.1
Certified farmers market	CUP	CUP	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Key to Zone Symbols

CN	Neighborhood Commercial	CV	Visitor Serving Commercial

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

Table 4-9 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.2
Charitable and other noncommercial functions	E	E	E	E	E	35.442.180.F.3
Public assembly events in facilities; event consistent	E	E	E	E	E	35.442.180.F.4
Public property	E	E	E	E	E	35.442.180.F.5
Reception and similar gathering facilities (commercial)	CUP	CUP	CUP	CUP	CUP	35.442.180.F.6
Seasonal sales lots	P	P	P	P	P	35.442.180.F.7

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	—	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	CUP	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	P	35.442.180.G.9
Trailer (after destruction of dwelling)	—	—	P	P	—	35.442.180.G.7
Trailer (during construction of new dwelling)	—	—	P	P	—	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.442.180.G.5
Trailer (storage as accessory to dwelling)	—	—	E	E	—	35.442.180.G.8

Key to Zone Symbols

PU	Public Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Division 35.10 (Glossary) for land use definitions.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed in Subsection B. (Applicability) shall comply with the following development standards:

1. **Time limit.** Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.
2. **Compliance with regulations.** The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.
3. **Conditions of approval.** The review authority 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, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:
 - 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, including:
 - (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 minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite prior to the commencement of each event, directing visitors to and indicating the location of parking areas.
 - 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.
 - g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
 - j. Obtaining a County Business License if necessary.
4. **Clearing of site following event.** 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.
5. **Additional findings.** A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a Coastal Development Permit, Conditional Use Permit, or Land Use Permit in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits) and Section 35.472.110 (Land Use Permits) are first made:
- a. The site is adequate in size and shape to accommodate the proposed temporary use.
 - b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses.

This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use) below, in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

1. **Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

2. **Certified Farmers Markets, incidental.** Certified farmers markets when incidental to a conference center, meeting facility, schools, or government or philanthropic institutions.
3. **Charitable and other noncommercial functions.** The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, is exempt from permit requirements, however, the following development standards shall apply:
 - a. The use of the lot for charitable functions does not exceed three times within the same calendar year.
 - b. The number of persons present at the event at any one time does not exceed 300.
4. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this section provided the event is consistent with the uses allowed in that facility in compliance with the planning permit approved and/or issued for the facility.
5. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.
6. **Reception and similar gathering facilities.** Reception facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.4 (Public assembly facilities) above.
7. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of Section 35.421.060.B (Agricultural Product Sales) including temporary residence/security trailers, located on non-residentially zoned land, or on residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.
8. **Temporary dwellings during the construction of a new dwelling.** 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:
 - a. An agreement is recorded by the owner prior to the issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling.

- b. Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

1. **Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-6 through Table 4-9.
2. **Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in Division 35.2 (Montecito Zones and Allowable Land Uses).
3. **Agricultural employee dwellings, four or fewer employees.** Trailers may be used as agricultural employee dwellings on lots with an AG-I zone designation for four or fewer employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch on which the trailer is located in compliance with Section 35.472.060 (Conditional Use Permits) provided:
 - a. The permittee complies with the State Mobile Home Act.
 - b. The trailer complies with the setbacks and distance between structures required for structures.
 - c. The permittee documents the existing and proposed agricultural use of the lot and demonstrates a need for the trailer.
 - d. The permittee provides proof of the full-time employment of the proposed resident of the trailer. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - (1) Employer's income tax return.
 - (2) Employee's pay receipts.
 - (3) Employer's DE-3 form.
 - (4) Employee's W-2 form.
 - (5) A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - (6) Other option approved by the Director.
 - e. Said proof of full-time employment of the employee residing in the trailer shall also be provided every five years beginning from the issuance of the Coastal Development Permit or Land Use Permit for the trailer or, 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 permits for the trailer.
 - f. The permit includes a condition that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.
4. **Air quality monitoring stations.** Trailers may be used 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 Air Pollution Control District and determined by the Montecito Commission provided:

- a. The Montecito Commission shall approve the Conditional Use Permit only if the following additional findings are first made:
 - (1) That the stations are either required or approved by the Air Pollution Control District.
 - (2) The zone setbacks are complied with.
 - (3) The trailers are adequately screened from public view by landscaping or other measures.
- b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
- c. The Montecito Commission may include, as a condition of approval of the Conditional Use Permit, that a performance security, in compliance with Section 35.474.020 (Performance Guarantees) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

5. Construction trailers.

- a. **Allowed uses.** Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses) that are not used for human habitation during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:
 - (1) Building permits have been issued for the structures being constructed on the site; and
 - (2) The trailer is removed promptly upon completion of construction.
- b. **Permit requirements.**
 - (1) Up to three construction trailers may be located on a building site without a Coastal Development Permit or Land Use Permit.
 - (2) More than three such construction trailers per building site may be permitted with a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) for an initial period not to exceed two years provided the Montecito Commission finds that:
 - (a) The need for the trailers has clearly been demonstrated; and
 - (b) A time frame for their removal has been provided.
 - (3) Renewals for additional two-year periods for trailers approved in compliance with Subsection 5.b(2) above, may be granted through the approval of a subsequent Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) if the request is filed before the expiration date of the previously approved Conditional Use Permit for the same use.

6. Dwelling use of trailers during construction of dwellings.

- a. A trailer may be used as a one-family dwelling during construction of a dwelling in all zones within the Coastal Zone or within the R-1/E-1 and RMZ zones in the Inland area provided:
 - (1) The use of the trailer is limited to a period of 12 months or until 30 days after the final

building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.

- (a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.
 - (2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.
 - (3) The permittee complies with the State Mobile Home Act.
 - (4) The trailer complies with the setbacks and distances between structures required for structures.
 - b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
7. **Dwelling use of trailers after destruction of dwelling.** A Coastal Development Permit or Land Use Permit may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:
- a. The Coastal Development Permit or Land Use Permit shall only be valid for a 180-day period; and
 - b. A trailer is not illegally located on the lot.
8. **Storage of trailers as accessory to a residential use.** Trailers designed for or capable of human habitation or occupancy may be stored on a lot as accessory to the residential use of the lot provided:
- a. The trailer does not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer) and 40 feet in length.
 - b. The trailer shall be screened from view from abutting streets.
 - c. The trailer shall not be used for human habitation while kept on the lot.
 - d. Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) if the trailer will:
 - (1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - (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.
9. **Watchman trailers during construction.** A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of

construction of structures on the site, provided:

- a. Building permits have been issued for the structure.
- b. Only one watchman's trailer shall be allowed on a site.
- c. The trailer shall be promptly removed upon completion of construction of the structures or within one year from the issuance of the Coastal Development Permit or Land Use Permit for the trailer, whichever occurs first.

CHAPTER 35.444 - TELECOMMUNICATIONS FACILITIES

Sections:

[35.444.010 - Commercial Telecommunications Facilities](#)

[35.444.020 - Noncommercial Telecommunications Facilities](#)

35.444.010 - Commercial Telecommunications Facilities

- A. Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. Applicability.**
- 1. Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
 - 2. Allowable zones and permit requirements.** Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-10 - Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities

Project Level Tier (1)	Zones Where Allowed	Permit Requirements (2)	Development Standards
Tier 1 Project (Very small facilities only)	All zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(a) 35.444.010.D
Tier 1 Project (Other than very small facilities)	Nonresidential zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(b) 35.444.010.D
Tier 2 Project (Tenant improvements)	Nonresidential zones	Development Plan approved by Director (3)	35.444.010.C.2.(a) 35.444.010.D
Tier 2 Project (Other than tenant improvements)	Nonresidential zones, except not allowed within the Recreation (REC) zone	Development Plan approved by Director (3)	35.444.010.C.2.(b) 35.444.010.D
Tier 3 Project	Nonresidential zones, except not allowed within the Recreation (REC) zone (4)(5)	Conditional Use Permit	35.444.010.C.3 35.444.010.D
Tier 4 Project	All zones (6)	Conditional Use Permit	35.444.010.C.4 35.444.010.D

Notes:

- (1) See Subsection C.1 through Subsection C.4 for more specific descriptions of development allowed under the respective tiers.
- (2) Commercial telecommunication facilities shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) under the following circumstances:
 - (a) The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - (b) The facility is under the jurisdiction of the Montecito Commission.
- (3) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.496 (Noticing and Public Hearings) in which case the Montecito Commission shall be the review authority.
- (4) Tier 3 facilities described in Subsection 35.444.010.C.3.b may be allowed within all nonresidential zones, including the REC zone.
- (5) Tier 3 facilities described in Subsection 35.444.010.C.3.c are limited to the AG-1 zone.
- (6) Tier 4 facilities described in Subsection 35.444.010.C.4.b are limited to nonresidential zones.

- C. Processing.** Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection H. below, unless otherwise specified. Modifications to zone regulations in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans) may be allowed only as specified in this Section.
- 1. Tier 1 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:
 - a. Standards for Tier 1 projects, very small facilities only.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated equipment shall not exceed a combined volume of one cubic foot.
 - (2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight standard) that is not being considered for removal, as determined by the Director, or the roof of an existing structure. More than two antennas shall not be located on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
 - (3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - b. Standards for Tier 1 projects, other than very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) The facility qualifies as a tenant improvement.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone where the project is located under the following circumstances:
 - (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (4) Antennas and associated antenna support structures proposed to be installed on the

roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.

- (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
- (6) Access to the facility shall be provided by existing roads or driveways.
- (7) Minor exterior additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

a. Tier 2 projects (tenant improvements). Wireless telecommunication facilities that comply with the following may be allowed:

- (1) The facility qualifies as a tenant improvement.
- (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.
- (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone in which the project is located under the following circumstances:
 - (a) As provided in Subsection C.1.b.(3) above.
 - (b) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
 - (c) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure that the antenna and associated antenna support structure are located on. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- (4) Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.

b. Tier 2 projects (other than tenant improvements). Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 (Tier 1 projects) or Subsection

C.2.a (Tier 2 projects (tenant improvements)) above, but do comply with the following development standards may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.
- (2) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (a) As provided in Subsection C.2.a.(3) above.
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- (3) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- (4) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
- (5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on a Comprehensive Plan Map, provided the components of the facility are not substantially visible from the roadway located within the corridor.

3. Tier 3 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:

- a. Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 through Subsection C.2.b above, but do comply with the following development standards, may be allowed.
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a

modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) under the following circumstances:

- (a) As provided in Subsection C.2.b.(2) above.
- (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
- (3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
- b. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that:
 - (1) Are not located in a residential zone as identified in [Section 35.404.020 \(Zoning Map and Zones\)](#)
 - (2) Are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission; and
 - (3) Do not exceed 50 feet in height.
- c. Private telecommunication facilities used in conjunction with and serving an agricultural operation provided:
 - (1) The facility is located on the same premises that the agricultural operation is located on.
 - (2) The facility is located on a lot with an AG-I zone designation.
- 4. **Tier 4 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:
 - a. Wireless telecommunication facilities that may not be permitted in compliance with Subsection C.1 through Subsection C.3 above but do comply with the following development standards, may be allowed.
 - (1) The height of the antenna and associated antenna support structures shall not exceed 75 feet.
 - (2) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or 300 feet, whichever is greater.
 - (3) If the facility is proposed to be located on a lot with a residential zone designation as identified in [Section 35.404.020 \(Zoning Map and Zones\)](#), or on a lot with a Recreation (REC) zone designation, or does not comply with Subsection 4.a.(2) above, the Montecito Commission, in order to approve a Conditional Use Permit, shall

also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.

- b. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35.404.020 (Zoning Map and Zones):

- (1) Facilities that are subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.
- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35.444.020 (Noncommercial Telecommunication Facilities).

- D. Additional development standards for telecommunication facilities.** In addition to the development standards in Subsection C. (Processing) above, commercial telecommunication facilities shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

- a. **Setbacks.** The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions and modifications) or Subsection 35.472.080.H (Conditions, restrictions or modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
- (3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions and modifications), or Section 35.472.080.H (Conditions, restrictions or modifications).

- b. **Height limit and exceptions.** The height of antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.

- (1) This height limit may be increased to a maximum of 75 feet when technical requirements dictate.
- (2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet if:
 - (a) The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna is mounted on; or

- (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar structure that it is mounted on.
- c. **Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- d. **Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.
- e. **Compliance with Federal Communications Commission.** The facility shall comply at all times with all Federal Communications Commission rules, regulations, and standards.
- f. **Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
 - (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. **Lighting.** The facility shall be unlit except for the following:
 - (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent feasible so as to minimize the amount of light that falls onto nearby residences.
- h. **Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
- i. **Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the review authority in approving a subsequent permit for development.
- j. **Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation through the implementation of the following measures:
 - (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility shall be protected from damage during the construction period and for the life of the project.
 - (2) Underground lines shall be routed to avoid damage to tree root systems to the

maximum extent feasible.

- (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan. A performance security in compliance with Section 35.474.020 (Performance Guarantees) shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Alteration of vegetation shall be done under the direction of a licensed arborist.

- (6) In the Coastal Zone, vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for

additional power lines and telephone lines if the site is determined to be suitable for collocation.

- b. In the Inland area disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.
- c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2.b through Subsection C.4 of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antennas on an existing support structure and these efforts have been unsuccessful; or
 - (2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking, areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for collocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
 - e. In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
 - f. In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.
3. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits). An exemption

shall only be granted if the Montecito Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.

- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
- b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.
- c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple user site.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
- e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. **Radio Frequency (RF) emission levels.** A telecommunication facility shall not be sited or operated in a manner that poses, either by itself or in combination with other facilities, a potential threat to public safety. A telecommunication facility or combination of facilities shall not produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or a legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for commercial telecommunication facilities through submission, at the time of application, for the necessary permit or other entitlement, of a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of RF emissions in the vicinity of the proposed facility in comparison with federal MPE limits.

- b. If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.
- c. If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels shall be submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.
- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.
 - (1) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.
 - (3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.492 (Appeals).

2. Project Review.

- a. Five years after the issuance of the initial Coastal Development Permit or Land Use Permit for the facility, and not more than every five years after that, the Director may undertake inspection of the project and require the permittee to modify its facilities. Modifications shall be required if, at the time of inspection, it is determined that:
 - (1) The project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities) above, for reasons attributable to design or changes in environmental setting; or
 - (2) More effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity, and coverage requirements of the permittee, and new facilities installed in the vicinity of the

site. The scope of modification, if required, may include a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed 10 percent of the total cost of facility construction. The decision of the Director as to modifications required under this Section is final subject to appeal in compliance with Chapter 35.492 (Appeals).

3. **Collocation.** Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and the property owner shall avail its telecommunication facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:
 - a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The permittee shall not be required to compromise the operational effectiveness of its facility or place any prior approval at risk.
 - c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a nondiscriminatory and equitable basis. The County retains the right to verify that the use of the facilities and property complies with County policies regarding collocation and to impose additional permit conditions where necessary to ensure these policies are being fulfilled.
 - d. In the event that the need for access to these facilities is demonstrated by other applicants to the review authority, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to collocate, the applicant shall submit to the Director terms, including financial terms, under which other carriers in the area would be allowed to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director within 30 days of the request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions is final subject to appeal in compliance with Chapter 35.492 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.
4. **Project abandonment/site restoration.** If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.
 - a. The time may be extended by the review authority with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the Department prior to the expiration of the 12 month period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment, and associated improvements, and restore the site to its natural preconstruction state within 180 days of the date of receipt of

the County's Notice to Abate.

- c. If the facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Before the issuance of the Coastal Development Permit or Land Use Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by the Director that is sufficient to cover the cost of removal of the facility in the event that the facility is abandoned, in compliance with Section 35.474.020 (Performance Guarantees).
 - d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Department approved biologist before demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.
5. **Transfer of ownership.** In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible by the County for maintaining the project in compliance with all project conditions for approval. A new contact name for the project and a new signed and recorded Agreement to Comply with Conditions of Approval shall be provided by the succeeding carrier to the Director within 30 days of the transfer of interest in the facility.
 6. **Color compatibility.** Before the issuance of the Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure before issuance of the Coastal Development Permit or Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.
- F. **Public notice.** Notice of the approval of any Coastal Development Permit or Land Use Permit or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - G. **Additional findings.** In addition to the findings required to be adopted by the review authority in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans) and Section 35.472.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:
 1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
 2. The facility is located to minimize its visibility from public view.
 3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
 4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety

standards.

H. Application requirements.

1. An application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.

35.444.020 - Noncommercial Telecommunications Facilities

A. Purpose and intent. This Section establishes the permit requirements and standards for the siting and development of noncommercial telecommunication facilities. The intent is to promote their orderly development and to ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources through the use of development standards that allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national, and international interests in services provided by the amateur radio community and the provision of these services shall be protected. However, this shall be balanced with local interests regarding public safety and welfare.

B. Applicability.

1. **Affected facilities and equipment.** The provisions of this Section shall apply to all noncommercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., amateur radio stations, other noncommercial telecommunication signals).
2. **Allowable zones and permit requirements.** Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to noncommercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the noncommercial telecommunication facility being proposed and whether the facility complies with different development standards.

C. Processing. Permits for Tier 1 or Tier 2 noncommercial telecommunication facilities shall be approved in compliance with the requirements of Subsection D. through Subsection F. below, unless otherwise specified.

D. Development standards.

1. **Coastal Zone and Inland area.** The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations.
 - a. **Access.** An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the lot that the antenna and support structure is located on. Where this access would be impeded, a minimum of three feet clearance shall be provided between the antenna support structure and another structure or other obstacle.
 - b. **Location on roofs.** Antenna support structures that are located on roofs shall be located on the portion of that structure that faces away from public viewing areas (e.g., public streets, parks) whenever technically feasible.

- c. **Permit requirements.** Required Building and Electrical Permits shall be obtained before erecting or operating the antenna support structure and associated antenna.
 - d. **Extension over neighboring property.** An antenna, regardless of height, shall be located to ensure that it does not extend over neighboring lot without the express written, notarized consent of the affected lot owner. If the affected lot changes ownership, then written, notarized consent shall be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the lot line. If the antenna support structure must be relocated, then a new Coastal Development Permit or Land Use Permit or Zoning Clearance shall be obtained in compliance with Section 35.472.050 (Coastal Development Permits) or Section 35.472.110 (Land Use Permits) or Section 35.472.190 (Zoning Clearance) before relocation of the antenna support structure.
- 2. **Coastal Zone.** In the Coastal Zone, noncommercial telecommunication facilities shall comply with the following additional development standards only to the extent that the requirements do not preclude amateur service communications and reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits).
 - a. The visible support facilities shall be finished in nonreflective materials.
 - b. The components of the facility shall be of a color that blends with the surrounding environment to the maximum extent feasible.
 - c. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.
 - d. A facility shall not be located to silhouette against the sky if substantially visible from a state designated scenic highway or other public viewing area.
 - e. Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed, or located behind earth berms in order to minimize their profile and minimize intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or manmade environment in a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).
 - f. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.
- 3. **Height limits and exceptions.** Amateur radio antennas, including support structures, are limited to 50 feet in height except that this height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
 - a. Amateur radio antennas, including support structures, may exceed 75 feet in height provided the review authority finds that the increased height is necessary in order to allow for the operational needs of the operator.

- E. Public notice.** Notice of the approval of any Coastal Development Permit or Land Use Permit or the pending decision of the Director on a Development Plan, or a public hearing on a Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- F. Application requirements.** An application for a Coastal Development Permit, Conditional Use Permit, Development Plan or Land Use Permit to permit the development of a noncommercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

Table 4-11 - Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Exempt Projects: Receive-only satellite dish or wireless television antennas one meter or less in diameter. (1) (2)	All zones	None	None
Exempt Projects: Inland area only - Amateur radio antennas, including support structure, where value is less than \$2,000.00 (1)(2)	All zones	None	35.444.020.D
Tier 1 Project: Receive-only satellite dish antennas or wireless television antennas greater than one meter but less than or equal to two meters in diameter. (1) (2)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 1 Project: Amateur radio antennas, including support structure, 65 feet or less in height. (3) (4)	All zones	Coastal Development Permit or Land Use Permit	35.444.020.D
Tier 2 Project: Receive-only satellite dish antennas or wireless antennas greater than two meters in diameter. (1) (2)	All zones	Development Plan (5)	35.444.020.D
Tier 2 Project: Amateur radio antennas, including support structure, greater than 65 feet in height. (3) (4)	All zones	Development Plan (5)	35.444.020.D

Notes:

- (1) The antenna shall be used solely by the occupants of the lot on which the antenna is located.
- (2) The antenna may be located on the ground or attached to a structure.
- (3) Where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, provided the antenna with support structure is maintained at the lowest position unless the associated antenna radio station is operating.
- (4) The amateur radio antenna shall be used in conjunction with a licensed amateur radio station, including Military Affiliated Radio Stations, operated principally by the occupant of the lot on which the amateur radio antenna and station is located.
- (5) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.496 (Noticing and Public Hearings) in which case the Montecito Commission shall be the review authority.

DIVISION 35.5

Montecito Resource Management

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CHAPTER 35.450 - MONTECITO RESOURCE PROTECTION STANDARDS

Sections:

- 35.450.010 - Purpose
- 35.450.020 - Applicability
- 35.450.030 - Archaeological Resources - Coastal Zone and Inland Area
- 35.450.040 - Beach Development - Coastal Zone
- 35.450.050 - Bluff Development - Coastal Zone
- 35.450.060 - Shoreline Protection Structures - Coastal Zone
- 35.450.070 - Tree Removal - Coastal Zone

35.450.010 - Purpose

This Chapter provides standards for resource protection and coastal access.

35.450.020 - Applicability

The standards in this Chapter apply to proposed development and land uses only on sites within the Coastal Zone unless specifically stated otherwise.

35.450.030 - Archaeological Resources - Coastal Zone and Inland Area

The following standards are applicable within the Coastal Zone and the Inland area as indicated below.

A. Coastal Zone and Inland area requirements.

1. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.

B. Inland area requirements. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

35.450.040 - Beach Development - Coastal Zone

The following standards are applicable within the Coastal Zone only.

- A. Beach structures.** To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structure shall be permitted on dry sandy beach except facilities necessary for public health and safety, including lifeguard towers, or where this restriction would cause the inverse condemnation of the lot by the County.
- B. Vertical access requirement.** The approval of each new development between the first public road and the ocean shall require that the property owner grant an easement to allow vertical access to the mean high tide line, unless the review authority determines that:

1. Another more suitable public access corridor is available, or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline; or
2. Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the Coastal Land Use Plan; or
3. Findings are made, consistent with Public Resources Code Section 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected; or
4. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner.

In no case, however, shall development interfere with the public right of access to the sea where acquired through use, unless an equivalent access to the same beach area is guaranteed. The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc. This requirement shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212 or to development incidental to an existing use on the site.

C. Lateral access requirement. The approval of each new development between the first public road and the ocean shall require that the property owner grant an easement to allow public access along the shoreline, as follows, except that this requirement shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212, or to development incidental to an existing use on the site.

1. Where coastal bluffs exceed five feet in height, the lateral easement shall include all beach seaward of the base of the bluff.
2. Where coastal bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection.
3. At a minimum, the lateral easement shall be adequate to allow for lateral access during periods of high tide.
4. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure.
5. All fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

35.450.050 - Bluff Development - Coastal Zone

The following standards are applicable within the Coastal Zone only. Development on or adjacent to coastal bluffs shall comply with the following standards. See also Section 35.450.060 (Shoreline Protection Structures - Coastal Zone).

- A. Setback requirement for new structures - safety.** New above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless this standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, the geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide *Interpretive Guidelines* regarding "Geologic Stability of Blufftop Development." (See also Coastal Land Use Plan Policy 4-5 regarding protection of visual resources.)
- B. Setback requirement for new structures - visual.** In addition to those required by Subsection A.

(Setback requirement for new structures - safety) above, additional bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In these cases, the new structure shall be located no closer to the bluff edge than the adjacent structures.

- C. **Landscaping, grading, and drainage.** Within a required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements (e.g., patios and fences that do not impact bluff stability) may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.
- D. **Protection from erosion.** Development and activity of any kind beyond the required blufftop setback shall be constructed to ensure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.
- E. **Bluff face development, drainage structures.** No development shall be permitted on the bluff face, except for engineered staircases or access ways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

35.450.060 - Shoreline Protection Structures - Coastal Zone

The following standards are applicable within the Coastal Zone only. Shoreline protection structures within the Coastal Zone require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits) and shall comply with the following additional standards.

- A. Seawalls shall not be allowed unless the County has first determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures.
- B. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures, and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance.
- C. Where allowed, seawall design and construction shall respect the natural landforms to the maximum degree possible.
- D. Adequate provisions for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.
- E. Cliff retaining walls, groins, pipelines and outfalls, revetments and other construction that may alter natural shoreline processes shall be allowed only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

35.450.070 - Tree Removal - Coastal Zone

The following standards are applicable within the Coastal Zone only.

- A. **Purpose and intent.** This section regulates the removal of certain trees within the Coastal Zone. The intent is to preserve healthy trees that are important for the protection of habitat areas, and the scenic and visual quality of the County.

- B. Applicability.** A Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) shall be issued before the removal of a tree that is six inches or more in diameter measured four feet above the ground, and six feet or more in height, and which is:
1. Located in a County street right-of-way; or
 2. Located within 50 feet of a major or minor stream, except when the tree is removed for agricultural purposes; or
 3. An oak tree; or
 4. Used as a habitat by Monarch Butterflies.
- C. Findings required for approval.** The issuance of a Coastal Development Permit for tree removal shall require that the review authority first make one of the following findings, in addition to the findings required for Coastal Development Permit approval by Section 35.472.050 (Coastal Development Permits):
1. The tree is dead; or
 2. The tree prevents the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible; or
 3. The tree is diseased, and poses a danger to healthy trees in the immediate vicinity, provided that a certificate attesting to these facts is filed with the Department by a licensed tree surgeon; or
 4. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

CHAPTER 35.452 - MONTECITO RIDGELINE AND HILLSIDE DEVELOPMENT

Sections:

- [35.452.010 - Purpose](#)
- [35.452.020 - Applicability](#)
- [35.452.030 - Coastal Zone Limitation on Sloping Lot Development](#)
- [35.452.040 - Ridgeline and Hillside Development Guidelines](#)

35.452.010 - Purpose

This Chapter describes the County's requirements for development on sloping lots and ridgeline sites.

35.452.020 - Applicability

The requirements of this Section apply within the Coastal Zone and the Inland area except where specifically stated otherwise.

35.452.030 - Coastal Zone Limitation on Sloping Lot Development

Within the Coastal Zone, in no case shall an above-ground structure, except for necessary utility lines and fences for agricultural purposes, be sited on an undisturbed slope exceeding 40 percent.

35.452.040 - Ridgeline and Hillside Development Guidelines

The following standards are applicable within the Coastal Zone and the Inland area.

- A. Purpose and Intent.** This Chapter provides for the visual protection of the Montecito's ridgelines and hillsides by requiring that the Montecito Board of Architectural Review evaluate each proposed structure within the areas identified in Subsection B. (Applicability) below, in terms of the guidelines in Subsection C. (Development Guidelines) below. The intent of this Section is to encourage architectural designs and landscaping that conform to the natural topography on hillsides and ridgelines.
- B. Applicability.** Each structure proposed where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) for conformity with the development guidelines in Subsection C. (Development Guidelines) below.
 - 1. Exempt structures.** The following structures are exempt from these guidelines.
 - a. Windmills and water tanks for agricultural purposes
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications, or similar services.
 - 2. Exemptions allowed by Montecito Board of Architectural Review.** The Montecito Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with Section 35.472.070 (Design Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable

to other structures in the neighborhood.

- b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design without negatively affecting neighborhood compatibility or the surrounding viewshed.

3. **Exemptions allowed by the Director.** The Director may exempt a new structure or an alteration to an existing structure from compliance with these guidelines if he determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully) such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.

- C. **Development Guidelines.** Ridgeline and hillside development shall comply with the following guidelines as specified in Subsection C.1 (Guidelines - Application and interpretation) except where a project is exempted from the guidelines in compliance with Subsection B. (Applicability) above.

1. **Guidelines - Application and interpretation.** The Montecito Board of Architectural Review shall have the discretion to interpret and apply the following guidelines.

- a. **Urban areas.** The following guidelines apply within Urban areas as designated on the Comprehensive Plan maps.

- (1) The height of a structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.
- (2) Proposed structures should be in character with adjacent structures.
- (3) Large understories and exposed retaining walls should be minimized.
- (4) Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- (5) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

- b. **Rural areas.** The following guidelines apply within Rural areas as designated on the Comprehensive Plan maps.

- (1) The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.
- (2) Building rake and ridge line should conform to or reflect the surrounding terrain.
- (3) Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- (4) Large, visually unbroken and/or exposed retaining walls should be minimized.
- (5) Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- (6) Grading shall be minimized, in compliance with the Comprehensive Plan.
- (7) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

DIVISION 35.6

Montecito Site Development Regulations

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CHAPTER 35.460 - ROAD NAMING AND ADDRESS NUMBERING

Sections:

- 35.460.010 - Purpose
- 35.460.020 - Applicability
- 35.460.030 - Areawide Address Numbering System
- 35.460.040 - Road Name and Status Index
- 35.460.050 - Road Names - Procedure, Standards, and Signs
- 35.460.060 - Address Numbers - Procedures, Standards, and Display
- 35.460.070 - Administration
- 35.460.080 - Enforcement

35.460.010 - Purpose

This Chapter provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

35.460.020 - Applicability

- A. Affected roads and structures.** The address numbering system will be implemented through the adoption of specific areawide systems by resolution of the Board after recommendation by the Montecito Commission. The address numbering areawide systems are applicable to:
1. All roads and structures located within the boundaries of adopted areawide address numbering systems (see also Section 35.442.020 (Accessory Structures and Uses)); and
 2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted areawide address numbering system.
- B. Existing road standards.** The adoption and implementation of this Chapter shall not affect or supersede County standard details relative to road standards, as adopted by Board resolution, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

35.460.030 - Areawide Address Numbering System

- A. Boundaries.** The boundaries of each areawide system shall be established by Board resolution after a recommendation by the Montecito Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.
- B. Maps.**
1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the areawide address numbering systems.
 2. Each adopted areawide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.
 3. Each map adopted in compliance with this Chapter is available for public review in the Fire

Department.

35.460.040 - Road Name and Status Index

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

35.460.050 - Road Names - Procedure, Standards, and Signs

- A. Road names required.** A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.
- B. Naming or renaming an existing road.**
- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Montecito Commission, Department, or other public agency or County department.
 - 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Montecito Commission.
 - 3. Public hearing.**
 - a. Public hearing.** The Montecito Commission shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.
 - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#). Additionally, notice shall be provided in compliance with the following:
 - (1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - (2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

- c. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

- (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.
- (2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.460.050.B.3.c.(1), above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

- d. **Action of review authority.**

- (1) **Action of the Montecito Commission.** The action of the Montecito Commission is final subject to appeal in compliance with Section 35.492 (Appeals).
- (2) **Action of the Director.**
 - (a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - (b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35.492 (Appeals).

- e. **Recording action.** Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. **Notification after change.** After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

- C. **Naming a road created by a subdivision.** The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. **Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. **Procedure.**

- a. **Naming of a road in conjunction with the approval of a tentative map.**

- (1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative

map.

- (2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- (3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the Montecito Commission at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- (4) **Appeal.** The decision of the Montecito Commission may be appealed in compliance with Chapter 35.492 (Appeals).

b. Naming of a road following the approval of a tentative map.

- (1) **Initiation.** The naming of a road created by a proposed subdivision shall be initiated by the property owner or an authorized agent of the owner.
- (2) **Contents of application.** An application for naming a road following the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and shall be filed following the approval of the tentative map.
- (3) **Review and approval.** A proposed road name shall be approved by the Director upon verification of compliance with Subsection E. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- (4) **Appeal.** The decision of the Director may be appealed in compliance with Chapter 35.492 (Appeals).

D. Road name selection. Each selected road name should comply with the following standards.

- 1. **Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
- 2. **Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).

3. Continuity.

- a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
- b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
- c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.

4. Extra words. Unnecessary words shall be avoided. Words that may be used are limited to the following:

- a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
- b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.**1. Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.**2. Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.

- a. Each road name sign shall be installed in compliance with current County Standard requirements.
- b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue.
- c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
- d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County Standards Requirements and Subsection F.3 (Signs for public roads) below.

3. Signs for public roads.

- a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the requirements for County Standard Street Name Signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.
- b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

- a. Road name signs shall be required for each road created by the subdivision.

- b. Road name signs may be required for existing roads providing access to the subdivision.
- c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

35.460.060 - Address Numbers - Procedures, Standards, and Display

A. Procedure for assigning address numbers.

1. **Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
2. **Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. **Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots) below regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.
 - e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the U.S. Postal Service.
2. **Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply with Subsection B.1.a through Subsection B.1.c above.
3. **Accessory structures.** Except for accessory dwellings, including residential second units, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.

C. Display of address numbers.

1. **New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance

with Subsection C.4 through Subsection C.6 below.

2. **Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsection C.4 through Subsection C.6 below and shall remove any obsolete number.
3. **Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color.
4. **Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 6-1 (Display of Address Numbers) below, illustrating the correct manner of display.
5. **Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 6-2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.
6. **Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 6-3 (Address Numbers on Mailboxes) below.

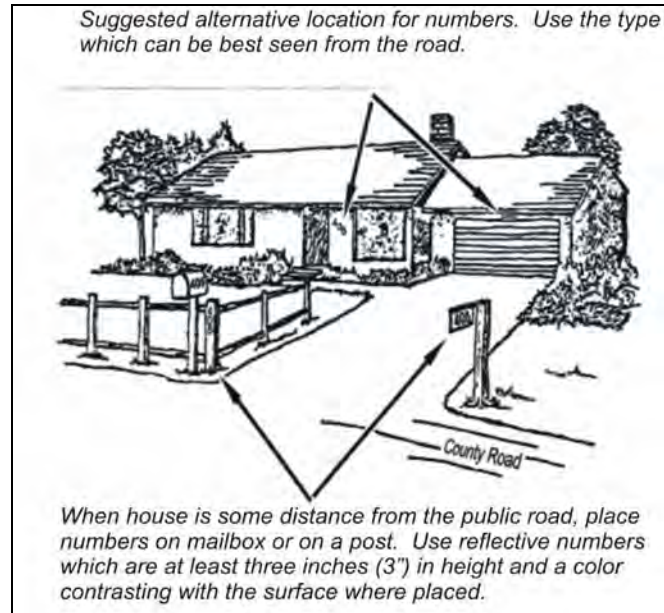


Figure 6-1 - Display of Address Numbers

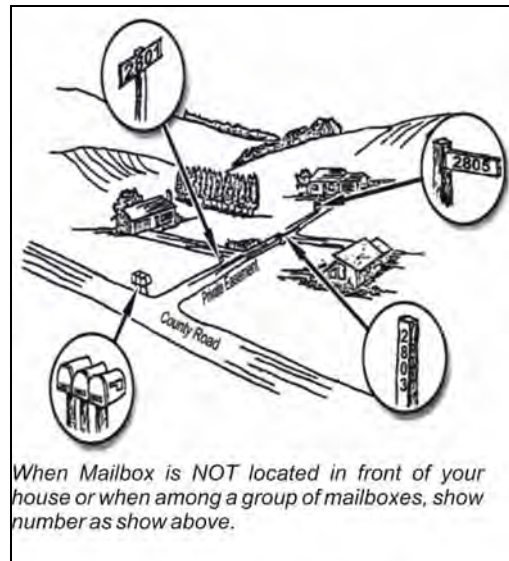


Figure 6-2 - Display of Address Numbers

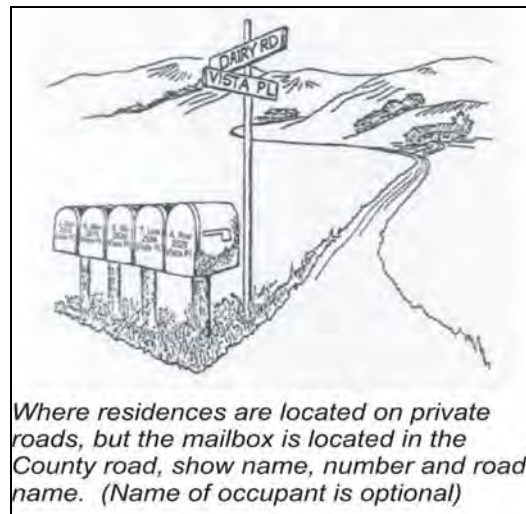


Figure 6-3 - Address Numbers on Mailboxes

35.460.070 - Administration

All road names and address numbers shall be issued by the County Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the Public Works Department or at its direction, in compliance with Section 35.460.050 (Road Names - Procedure, Standards, and Signs).

35.460.080 - Enforcement

- A. **Enforcement responsibility.** The County Fire Department shall enforce this Chapter and all of its provisions.
- B. **Citation and penalties.** A person who fails to comply with the requirements of this Chapter shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Chapter are established by County Code Section 1-7 (General Penalty).

DIVISION 35.7

Montecito Planning Permit Procedures

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CHAPTER 35.470 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

- [35.470.010 - Purpose and Intent](#)
- [35.470.020 - Authority for Land Use and Zoning Decisions](#)
- [35.470.030 - Application Preparation and Filing](#)
- [35.470.040 - Application Fees](#)
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35.470.010 - Purpose and Intent

This Chapter provides procedures and requirements for the preparation, filing and initial processing of the planning permit applications required by this Development Code.

35.470.020 - Authority for Land Use and Zoning Decisions

A. Review Authority. Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.

B. Application subject to more than one review authority.

1. When two or more discretionary applications that relate to the same development project are submitted, and the individual applications are under the separate jurisdiction of more than one review authority in compliance with Table 7-1 (Review Authority) below, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Montecito Commission and;
 - c. Director
2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Montecito Commission shall make an advisory recommendation to the Board on each project.
3. This Section shall not apply to applications for:
 - a. Coastal Development Permits submitted in compliance with Section 35.472.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.472.050 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35.472.070 (Design Review).
 - c. Emergency Permits submitted in compliance with Section 35.472.090 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35.472.110 (Land Use Permits).
 - e. Sign Certificates of Compliance required in compliance with Chapter 35.438 (Sign Standards).
 - f. Zoning Clearances submitted in compliance with [Section 35.472.190 \(Zoning Clearance\)](#).

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendment		Recommend	Decision
Comprehensive Plan Amendment		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
Local Coastal Program Amendment		Recommend (2)	Decision
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendment		Recommend (3)	Decision
Planning Permits			
Coastal Development Permits (without hearing) (4)	Decision	Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (5) below		
Development Plan	See Subsection 35.472.080.B.3 (Review Authority)		Appeal
Emergency Permits	Decision		
Hardship Determinations		Decision	Appeal
Land Use Permit	Decision	Appeal	Appeal
Modification		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering)		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	Appeal
Use Determinations		Decision	Appeal
Variance		Decision	Appeal
Zoning Clearance	Decision		

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.492 (Appeals).
- (2) In situations where the Comprehensive Plan Amendment or Local Coastal Program Amendment would also have effect outside of the Montecito Community Plan Area, then the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal.
- (4) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.472.050.D.
- (5) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.

C. Applications subject to review by the Coastal Commission. In addition to the review authority identified in Table 7-1 (Review Authority), final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.
2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35.492.060 (Appeals to the Coastal Commission).

35.470.030 - Application Preparation and Filing

- A. Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Director on a Department application form, together with required fees and/or deposits and all other information and materials as identified in the Department application for the specific type of application. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Development Code.
- B. Eligibility for filing.** An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this development Code.

35.470.040 - Application Fees

- A. Fee schedule.** The Board shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Development Code, hereafter referred to as the Board's Fee Resolution.
- B. Timing of payment.** Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.
- C. Refunds and withdrawals.** The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

35.470.050 - Initial Application Review

- A. Filing and acceptance of an application.** An application is considered to be filed after it has been accepted for processing by the Department and required fees and/or deposits have been paid. The Director shall review each application for receipt of all submittal requirements and accuracy prior to acceptance of the application. The Director's acceptance of an application for processing shall be based on the Department's list of required application contents (see Section 35.470.030 (Application Preparation and Filing) above).
- B. Special provisions for applications subject to review under the California Environmental Quality Act.** Projects subject to environmental review as required by the California Environmental Quality Act shall be subject to the following requirements:
1. **Notification of applicant.** As required by Government Code Section 65943, within 30 calendar days of either the initial application filing or subsequent filings after a determination of application incompleteness has been made, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete

and that additional information, specified in the Incomplete letter shall be provided.

2. **Appeal of determination.** After an initial determination of application incompleteness, where the Director has determined for a second or additional time that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 35.492 (Appeals).
 3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness or incompleteness shall occur. The time available to an applicant for submittal of additional information is limited by Subsection B.4 (Expiration of application) below.
 4. **Expiration of application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 90 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the County.
 - b. The Director may grant one 90-day extension.
 - c. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated fees.
 5. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act.
- C. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any County department or public agency that may be affected by or have an interest in the proposed project.
- D. **Right of entry/inspection.** Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the County staff involved in the review of the application access to any premises or property which is the subject of the application at all reasonable times.

CHAPTER 35.472 - PERMIT REVIEW AND DECISIONS

Sections:

[35.472.010 - Purpose and Intent](#)
[35.472.020 - Effective Date of Permits](#)
[35.472.030 - Applications Deemed Approved](#)
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[35.472.050 - Coastal Development Permits](#)
[35.472.060 - Conditional Use Permits](#)
[35.472.070 - Design Review](#)
[35.472.080 - Development Plans](#)
[35.472.090 - Emergency Permits](#)
[35.472.100 - Hardship Determinations](#)
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35.472.010 - Purpose and Intent

This Chapter provides procedures for the review and approval, conditional approval, or denial of the planning permit applications established by this Development Code.

35.472.020 - Effective Date of Permits

A. Coastal Zone.

1. **Development not appealable to the Coastal Commission.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.
2. **Development appealable to the Coastal Commission.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:
 - a. The expiration of the Coastal Commission's 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and
 - b. Where an appeal of the review authority's action has not been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable review authority in compliance with Chapter 35.492 (Appeals) unless otherwise indicated in the planning permit.
 - c. If appealed, the planning permit shall not be deemed effective until final action by the final

review authority on the appeal.

B. Inland area.

1. The approval of a planning permit for a project shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with [Chapter 35.492 \(Appeals\)](#) unless otherwise indicated in the planning permit.
2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

C. Extension of effective date. The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County or California Coastal Commission are not open for business.

D. No entitlement for development. No entitlement for the use or development shall be granted before the effective date of the planning permit.

35.472.030 - Applications Deemed Approved

A planning permit application for property outside of the Coastal Zone that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

35.472.040 - Permits to Run with the Land

A Coastal Development Permit, Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance or Zoning Clearance approval or other planning permit approved in compliance with this Chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.

35.472.050 - Coastal Development Permits

- A. Purpose and intent.** This Section establishes procedures and findings for the approval, issuance, and effective time periods for Coastal Development Permits that are required by this Development Code. The intent of this Section is to ensure that development proposals are in conformity with the provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, this Development Code and any conditions established by the County, and to provide public hearing opportunities for certain projects either located within a Geographic Appeals area or constituting a Major Public Works project.
- B. Applicability.** Before using any land or structure, or commencing any work pertaining to any development or use wherein permits are required under the provisions of this Development Code, a Coastal Development Permit shall be issued, unless identified as exempt by Section 35.420.040 (Exemptions from Planning Permit Requirements) or that a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is required.
- C. Contents of application.** An application for a Coastal Development Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

- 1. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Subsection D.2 or Subsection D.3 below.
 - a. The Director shall review each Coastal Development Permit application for compliance with the Comprehensive Plan, including any Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit.
 - (1) Each Coastal Development Permit shall include a specific written condition that requires all development to comply with the approved plans.
 - b. Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - c. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with [Section 35.472.020 \(Effective Date of Permits\)](#):
 - (1) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (3) Until all necessary prior approvals have been obtained.
 - (4) For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with [Section 35.472.070 \(Design Review\)](#).
 - (5) Until the applicant has signed the Coastal Development Permit.
 - e. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Coastal Development Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with [Chapter 35.492 \(Appeals\)](#).
 - f. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the

approved Preliminary or Final Development Plan.

2. Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals). This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission where a public hearing is not otherwise required.

- a. After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
- c. The Montecito Commission shall hold at least one noticed public hearing, unless waived in compliance with Subsection 2.e below on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
- d. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- e. The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
 - (1) The project qualifies as “minor development” which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - (a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - (b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - (c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
 - (2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Coastal Development Permit application to the County and the Coastal Commission.
 - (3) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.472.050.D.2.e.(2) above is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

- f. The action of the review authority is final subject to appeal in compliance with [Chapter](#)

[35.492 \(Appeals\).](#)

- g. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with [Section 35.472.020 \(Effective Date of Permits\)](#):
 - (1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority, including the Coastal Commission, in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (3) Until all necessary prior approvals have been obtained.
 - (4) The applicant has signed the Coastal Development Permit.
 - (5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with [Chapter 35.492 \(Appeals\)](#).
- h. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also requires a Conditional Use Permit in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) or a Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#).

- a. The review authority for the Conditional Use Permit or Final Development Plan as applicable shall be the review authority for the Coastal Development Permit.
- b. After receipt of the Coastal Development Permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- c. The review authority shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations.
- d. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
- e. The review authority shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.

- f. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- g. The action of the review authority is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with [Chapter 35.492 \(Appeals\)](#).
- h. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section shall not be issued and deemed effective in compliance with [Section 35.472.020 \(Effective Date of Permits\)](#):
 - (1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority, including the Coastal Commission, in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (2) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (3) Until all necessary prior approvals have been obtained.
 - (4) The applicant has signed the Coastal Development Permit.
 - (5) For projects that are defined as appealable development, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with [Chapter 35.492 \(Appeals\)](#).
- i. If a Coastal Development Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

E. Findings required for approval.

- 1. A Coastal Development Permit application that is subject to Subsection D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall be approved or conditionally approved only if the Director first makes all of the following findings:

- a. The proposed development conforms to:
 - (1) The applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan; and
 - (2) The applicable provisions of this Development Code or falls within the limited exception allowed in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
 - b. The proposed development is located on a legally created lot.
 - c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
2. A Coastal Development Permit application that is subject to Subsection D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) above shall be approved or conditionally approved only if the review authority first makes all of the following findings:
 - a. Those findings specified in Subsection E.1 above.
 - b. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. The proposed development will be compatible with the established physical scale of the area.
 - d. The proposed development will comply with the public access and recreation policies of this Development Code and the Comprehensive Plan including the Coastal Land Use Plan and the Montecito Community Plan.
 3. A Coastal Development Permit application that is subject to Subsection D.3 (Coastal Development Permit processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall be approved or conditionally approved only if the review authority first makes all of the following findings:
 - a. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals).** Those findings specified in Subsection E.1 above.
 - b. **Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals).** Those findings specified in Subsection E.2 above.

F. Permit expiration.

1. A Coastal Development Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.
2. A Coastal Development Permit approved in compliance with Subsection D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) above shall expire two years from the date of issuance if

the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

3. The approval of a Coastal Development Permit approved in compliance with Subsection D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be valid for 12 months unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
4. The approval of a Coastal Development Permit approved in compliance with Subsection D.3 (Coastal Development Permit processed in conjunction with a Conditional Use Permit or Final Development Plan) above, shall be valid for same time period, including any time extensions, as the Conditional Use Permit or Development Plan as applicable.

G. Coastal Commission changes to the County's action on Coastal Development Permits.

1. Where an appeal has been filed with the Coastal Commission in compliance with [Chapter 35.492 \(Appeals\)](#) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit shall be final.
2. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically:
 - a. Amended to conform to the Coastal Commission's approved Coastal Development Permit for the project; or
 - b. Terminated to conform to the Coastal Commission's denial of the Coastal Development Permit.
3. If the County has denied the Coastal Development Permit and the Coastal Commission approved the permit, the applicant shall reapply to the County for approval of the other required but previously denied project permits (e.g., Conditional Use Permit, Development Plan) in order for the County to impose appropriate conditions. However, the County's action on the re-applications shall be consistent with the approved Coastal Development Permit.
4. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Director, the Director may waive this re-application requirement.

H. Minor changes to Coastal Development Permits. Minor changes to an issued Coastal Development Permit shall be allowed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

I. Notice of Final Action for Coastal Development Permits appealable to the Coastal Commission.

1. For those developments that are appealable to the Coastal Commission (see definition of Appealable Development and [Chapter 35.492 \(Appeals\)](#)) notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.
2. The notice shall be given within five calendar days of the final action.
3. The notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.

J. Permit revocation. An issued Coastal Development Permit may be revoked in compliance with [Section 35.474.060 \(Revocations\)](#).

- K. Post approval procedures.** The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals in [Division 35.9 \(Montecito Land Use and Development Code Administration\)](#) shall apply following the decision on an application for a Coastal Development Permit.

35.472.060 - Conditional Use Permits

- A. Purpose and intent.** The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.
- B. Applicability.** The provisions of this Section shall apply to those uses listed within this Development Code as requiring a Conditional Use Permit.
- C. Contents of application.** An application for a Conditional Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
1. If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.
- D. Processing.**
1. After receipt of an application for a Conditional Use Permit, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 2. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with [Section 35.472.070 \(Design Review\)](#).
 3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
 4. The Montecito Commission shall hold at least one public hearing on the requested Conditional Use Permit and approve, conditionally approve, or deny the request.
 5. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 6. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 7. Conditional Use Permits may be granted for a period of time and upon conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.
 8. 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, except for the following:
 - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#) provided that any structure constructed or erected as part of the telecommunications facility shall only be

used as part of the telecommunication facility and shall be removed pursuant to Subsection 35.444.010.E.4 (Project abandonment/site restoration).

E. Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings, as applicable.

1. Findings for all Conditional Use Permits:

- a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.
- b. Environmental impacts.
 - (1) Within the Coastal Zone, adverse environmental impacts will be mitigated to the maximum extent feasible.
 - (2) Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
- g. The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.
- h. The proposed project will not adversely impact recreational facilities and uses.
- i. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.

2. Additional findings required for sites within the Coastal Zone.

- a. The proposed project will not conflict with any easements required for public access through, or public use of the site.
- b. The proposed use is consistent with the intent of the applicable zone.

3. Additional findings for sites zoned RMZ (Resource Management).

- a. The project will not require extensive alteration of the topography.
- b. The project will not cause erosion, sedimentation, runoff, siltation, or an identified

significant adverse impact to downstream water courses or water bodies.

- c. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

F. Findings required for approval of Conditional Use Permits applications submitted in compliance with Chapter 35.438 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. The sign is necessary to direct or inform the public as to the location or changing attraction of those uses specified in Chapter 35.438 (Sign Standards).
2. The location and size of the sign will not be detrimental to the safety, convenience, property values, and general welfare of the neighborhood.
3. If the sign informs the public concerning service club meetings, the permittee agrees in writing, if required by the Montecito Commission, to permit additional service club signs to be placed on the same structure.

G. Requirements prior to commencement of conditionally permitted uses and permit expiration.

1. **Coastal Zone.** For Conditional Use Permits approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#), or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by the County in compliance with [Section 35.472.050.D.3](#) or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.
 - b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.
 - c. **Zoning Clearance required.** In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if:
 - (1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or
 - (2) The approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Conditional Use Permit. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Conditional Use Permit is in substantial conformity with the Coastal Development Permit previously issued in compliance with [Section 35.472.050.D.3](#). If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit, a new Coastal Development Permit shall be issued in compliance with [Section 35.472.050. D.3](#)

except that:

- (a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.
 - (b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (c) The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with [Section 35.472.050.E \(Findings for Approval\)](#).
- 2. **Inland area.** For Conditional Use Permits approved for property located in the Inland area, issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.
 - a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Conditional Use Permit.
 - b. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Conditional Use Permit.
- 3. **Time limits and extensions.** At the time of approval of the Conditional Use Permit, a time limit shall be established within which the Coastal Development Permit, Land Use Permit or Zoning Clearance shall be issued.
 - a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - b. If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.
 - d. The Montecito Commission may extend the time limit in compliance with [Section 35.474.030 \(Time Extensions\)](#).
 - e. If the required time limit in which to obtain the Coastal Development Permit, Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- 4. **Conditional Use Permit void.** A Conditional Use Permit shall become void and be automatically

revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the Montecito Commission in compliance with [Section 35.474.030 \(Time Extensions\)](#).

H. Changes to approved permit. Changes to an approved Conditional Use Permit shall be processed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

I. Conditions, restrictions, and modifications.

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the Montecito Commission finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the Montecito Commission may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.

J. Permit revocation. A Conditional Use Permit approval may be revoked or modified in compliance with [Section 35.474.060 \(Revocations\)](#).

K. Post approval procedures. The procedures and requirements in [Chapter 35.474 \(Post Approval Procedures\)](#) and those related to appeals in [Division 35.9 \(Land Use and Development Code Administration\)](#) shall apply following the decision on an application for a Conditional Use Permit.

35.472.070 - Design Review

A. Purpose and intent. The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.

B. Applicability. Design Review action shall be required for all of the following:

1. Any new structure or sign.
2. Any addition to a structure or sign.
3. Any use requiring architectural approval as specifically identified by the Montecito Commission or the Board.
4. A structure that is subject to the Ridgeline and Hillside Development Guidelines.
5. Communication facilities in compliance with Chapter 35.444 (Telecommunications Facilities).
6. The Montecito Board of Architectural Review shall also render its advice on exterior architecture of structures and signs to the Director, Montecito Commission or Board when requested to do so.

C. Exceptions to Design Review requirements. Design Review approval shall not be required for the following:

1. Decks.
2. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
3. Hot tubs, spas, and swimming pools.
4. Interior alterations.
5. Solar panels.
6. Other exterior alterations determined to be minor by the Director.
7. Residential second units; however approval from the Montecito Board of Architectural Review Chairperson, or designee, is required unless the residential second unit would only require exterior alterations to an existing structure that are determined to be minor by the Director,

D. Contents of application. An application for Design Review shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

E. Processing.

1. Applications for Preliminary and Final review by the Montecito Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.
2. The Montecito Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.
3. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
4. The action of the Montecito Board of Architectural Review is final subject to appeal in compliance with Chapter 35.492 (Appeals).

F. Findings required for approval.

1. **Findings required for all Design Review applications.** Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the following findings:
 - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
 - b. Electrical and mechanical equipment will be well integrated into the total design concept.
 - c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if

warranted.

- f. Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
- g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.
- h. Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.
- i. Signs including associated lighting are well designed and will be appropriate in size and location.
- j. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection G. (Local design standards) below.

2. Additional finding required for Design Review applications within the Coastal Zone.

- a. Within Urban areas as designated on the Comprehensive Plan maps, new structures are compatible with the character and scale of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

G. Local design standards. Additional design standards may be developed as part of or independent of the Montecito Community Plan. Such standards serve to provide further guidance in the review of project beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the design standards:

1. The Montecito Board of Architectural Review shall review proposed design standards at a draft stage. The Montecito Board of Architectural Review shall provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.
2. The Montecito Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
 - a. This hearing may be held in conjunction with an overall Community Plan adoption.
 - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
 - c. Adoption of design standards shall:
 - (1) Constitute a directive to the Montecito Board of Architectural Review to utilize the design standards in review of projects located in the Montecito Community Plan area; and

- (2) Not constitute a grant of any formal authority to the Montecito Board of Architectural Review not otherwise granted by appropriate legal mechanism.

H. Appeals. The action of the Montecito Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with Chapter 35.492 (Appeals).

I. Expiration of Design Review approval.

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g. Coastal Development Permit, Development Plan, Land Use Permit) including approved time extensions expires.
2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire two years from the date of final approval, except the Director may grant an extension of the approval for up to a maximum of 12 months if an active planning permit application is being processed by the Department.

J. Minor changes to Design Reviews. Minor changes to an approved project shall be in compliance with Section 35.474.040 (Changes to an Approved Project).

K. Permit revocation. A Design Review approval may be revoked or modified in compliance with Section 35.474.060 (Revocations).

L. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in [Division 35.9 \(Land Use and Development Code Administration\)](#) shall apply following the decision on an application for Design Review.

35.472.080 - Development Plans

A. Purpose and intent. The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.

B. Applicability.

1. **Final Development Plan required.** No permit shall be issued for any development, including grading, for any property subject to this Section until a Final Development Plan has been approved in compliance with this Section.
2. **All portions of site to be included.** No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.
3. **Review authority.** The Montecito Commission is the review authority for all Development Plans except for the following:
 - a. When the Board of Supervisors, Montecito Commission, or Director has approved the Preliminary Development Plan, the Director shall be the review authority for the Final Development unless:
 - (1) The conditions of approval of the Preliminary Development Plan do not specify a review authority for the Final Development Plan other than the Director; or
 - (2) The Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan.
 - (a) If the Director determines that the Final Development Plan is not in substantial conformity with the approved Preliminary Development Plan, then the review

authority for the Final Development Plan shall be the Montecito Commission.

- b. The Director shall be the review authority for applications for Final Development Plans for projects that were legally permitted and developed without a Final Development Plan and are now nonconforming solely due to the absence of an approved Final Development Plan provided:
 - (1) Revisions to the existing development are not proposed as part of the application for the Final Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with Section 35.472.070 (Design Review).
 - (2) 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 in compliance with this Subsection B.3 (Review authority).
- c. The review authority for telecommunication facilities is identified in Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities) in Section 35.444.010 and Table 4-11 (Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities) in Section 35.444.020.

C. Contents of application. An application for a Development Plan shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

- 1. If an application for a Final Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with Final Development Plan application except when the Coastal Commission approves the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.

D. Processing.

- 1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.
 - a. **Inland area.** Within the Inland area, any application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan shall be accompanied by an application that, if approved, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan including the Montecito Community Plan, unless accompanied by an application that would, if approved, make the project consistent.
- 2. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- 3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee and the Montecito Board of Architectural Review for review and recommendation to the review authority. This requirement may be waived by the Director in the following situations:
 - a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Montecito Board of

Architectural Review; or

- b. An application for a Final Development where the Director is the review authority in compliance with Subsection B.3.b. above.

4. Development Plans under the jurisdiction of the Director. A public hearing shall not be required if the Director is the review authority for the Development Plan.

- a. Notice of the pending decision of the Director on a Development Plan shall be given at least 10 days before the date of the Director's decision in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- b. The Director may approve, conditionally approve, or deny the Development Plan.
- c. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

5. Development Plans under the jurisdiction of the Montecito Commission. A public hearing shall be required if the Montecito Commission is the review authority for the Development Plan.

- a. The Montecito Commission shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
- b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
- c. The action of the Montecito Commission is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

6. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Montecito Commission may recommend approval, conditional approval, or denial to the Board.

E. Findings required for approval. A Development Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

1. Findings for all Preliminary or Final Development Plans.

- a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and the level of development proposed.
- b. Adverse impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will not be incompatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
- g. The proposed project will not adversely impact recreational facilities and uses.

- b. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact on downstream water courses or water bodies.
- c. The development of the proposed swimming pool(s) and/or water storage tank(s) will not cause any significant adverse impact on environmentally sensitive habitat areas, plant species, or biological resources.
- d. The proposed swimming pool(s) and/or water storage tank(s) will be screened from public view.

F. Requirements prior to commencement of development authorized by a Development Plan.

1. **Coastal Zone.** For Final Development Plans approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#), or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to commencement of the development and/or authorized use allowed by the Final Development Plan.
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by the County in compliance with [Section 35.472.050.D.3](#) or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.
 - b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.
 - c. **Zoning Clearance required.** In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if:
 - (1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or
 - (2) The approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Final Development Plan. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Final Development Plan is in substantial conformity with the Coastal Development Permit previously issued in compliance with [Section 35.472.050.D.3](#). If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Final Development Plan, a new Coastal Development Permit shall be issued in compliance with [Section 35.472.050.D.3](#) except that:
 - (a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the

Coastal Development Permit without a public hearing.

- (b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (c) The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
 - (d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with [Section 35.472.050.E \(Findings required for approval\)](#).
- 2. **Inland area.** For Final Development Plans approved for property located in the Inland area, issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.
 - a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Final Development Plan.
 - b. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.472.190 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.474.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Final Development Plans.

G. Time limits and extensions.

- 1. **Preliminary Development Plan.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).
- 2. **Final Development Plans.** Final Development Plans shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

H. Conditions, restrictions, and modifications.

- 1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and [Chapter 35.436 \(Parking and Loading Standards\)](#) when the review authority finds that the modification will be justified.
- 2. As a condition of approval of any Preliminary or Final Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.

3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.

I. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Development Plan.

35.472.090 - Emergency Permits

- A. Purpose and intent.** The purpose of this Section is to establish procedures for the granting of Emergency Permits. The intent is to modify the customary procedures for permit processing and temporarily by-pass the permit requirements of this Development Code in the case of an emergency.
- B. Applicability.** When emergency action by a person or public agency is warranted, the requirements of obtaining a planning permit otherwise required by this Development Code may be temporarily deferred by the Director, and the Director may instead grant an Emergency Permit before the customarily required planning permit.
- C. Application submittal procedures.** In cases of emergency, an application for an Emergency Permit shall be made to the Director by letter or telefax, if time allows, or by telephone or in person, if time does not allow.
- D. Verification of emergency.** The Director shall verify the facts, including the existence and nature of the emergency, before granting the Emergency Permit.
- E. Processing.**
1. Notice of the emergency work shall be in compliance with Chapter 35.496 (Noticing and Public Hearings). The notice is not required to precede the actual commencement of the emergency work.
 2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, and a requirement for subsequently obtaining the planning permit(s) customarily required by this Development Code if the Director first makes all of the following findings:
 - a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.
 - b. The action proposed is consistent with the policies of the Comprehensive Plan, including the Montecito Community Plan and the requirements of this Development Code.
 - c. Public comment on the proposed emergency action has been reviewed.
- F. Completion of corrective action.** The corrective action will be completed within 30 days of granting the Emergency Permit unless otherwise specified by the terms of the Emergency Permit.
- G. Requirement for subsequent permits.** The granting of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for planning permit customarily required by this Development Code shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the granting of the Emergency Permit, unless this time period is extended by the Director.
- H. Permits not subject to Director's authority.** The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of Public Resources Code Section 30624.
- I. Reporting requirements of the Director.** The following reporting requirements shall be followed:

1. The Director shall submit a written report to the Board at its first scheduled meeting after the Emergency Permit has been granted regarding the nature of the emergency and the work involved.
2. Copies of the report shall be available to the public at the meeting and shall be mailed to all persons who have requested notification in writing.
3. For properties located within the Coastal Zone, the Director shall also submit a written report to the Coastal Commission.
4. The Director's written report shall be informational only; the decision to grant an Emergency Permit shall be at the sole discretion of the Director in compliance with this Section.

35.472.100 - Hardship Determinations

- A. Purpose and intent.** This Section provides procedures and findings to allow for the granting of Hardship Determinations to allow the restoration of nonconforming uses or the reconstruction of nonconforming structures. The intent is to allow such restoration or reconstruction only when the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.
- B. Applicability.** The provisions of this Section shall apply to all nonconforming uses and structures.
- C. Contents of application.** An application for a Hardship Determination shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. Processing.**
1. The Montecito Commission shall hold at least one noticed public hearing on the requested Hardship Determination and approve, conditionally approve, or deny the request.
 2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 3. The Montecito Commission, in approving the Hardship Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and the public health, peace, safety and general welfare would be promoted.
 4. The action of the Montecito Commission is final and not subject to appeal.
- E. Finding required for approval.** A Hardship Determination application shall be approved or conditionally approved only if the Montecito Commission first finds that the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.

35.472.110 - Land Use Permits

- A. Purpose and intent.** This Section establishes procedures and findings for the approval, issuance of, and effective time periods for Land Use Permits. The intent of this Section is to ensure that development proposals are in conformity with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions established by the County.

1. Properties located within the Coastal Zone.

- a. This Section establishes procedures and findings for the approval of Land Use Permits in cases where the County approves certain discretionary permits for new development and the

Coastal Commission issues the Coastal Development Permit because the development is located within the retained permit jurisdiction of the Coastal Commission.

- b. In cases identified in Subsection 1.a above, the approval of a Land Use Permit is required following approval of the Coastal Development Permit by the Coastal Commission.

B. Applicability. The provisions of this Section shall apply to all development and uses identified within this Development Code as requiring a Land Use Permit, including development and uses identified in Subsection A.1 (Properties located within the Coastal Zone) above.

C. Contents of application. An application for a Land Use Permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Director shall review each Land Use Permit application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the request.
 - a. Each Land Use Permit shall include a specific written condition that requires all development to comply with the approved plans.
2. The action of the Director is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).
3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with [Chapter 35.492 \(Appeals\)](#).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
 - c. Until all necessary prior approvals have been obtained.
 - d. For applications for grading of roads and individual building pads, until the structure that will utilize the road and/or building pad has received final Design Review approval in compliance with [Section 35.472.070 \(Design Review\)](#).
 - e. For properties located within the Coastal Zone as identified in Subsection A.1 (Properties located within the Coastal Zone) above, until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.
4. In the case of a development which requires a public hearing and final action by the Montecito Commission, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with [Chapter 35.492 \(Appeals\)](#).
5. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board unless a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

6. Notice of the approval or conditional approval of a Land Use Permit shall be given in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).

E. Findings required for approval. A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. Findings for all Land Use Permits:

- a. The proposed development conforms:
 - (1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and
 - (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
- b. The proposed development is located on a legally created lot.
- c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).

F. Permit expiration.

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.
2. A Land Use Permit shall expire two years from the date of issuance if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

G. Minor changes to Land Use Permits. Minor changes to an issued Land Use Permit shall be allowed in compliance with Section 35.474.040 (Changes to an Approved Project).

H. Permit revocation. An issued Land Use Permit may be revoked in compliance with Section 35.474.060 (Revocations).

I. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration) shall apply following the decision on an application for a Land Use Permit.

35.472.120 - Modifications

A. Purpose and intent. The purpose and intent of this Section is to allow for minor modifications of certain zone standards where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.

B. Applicability.

1. **Allowed for permitted uses only.** The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which are not

otherwise subject to Conditional Use Permit (Section 35.472.060) or Development Plan (Section 35.472.080) requirements.

2. **Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.
 3. **Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:
 - a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - b. **Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches)) below, shall result in:
 - (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.
 - (2) **Side.** A side setback width from property lines of less than three feet.
 - (3) **Rear.** A rear setback depth from property lines of less than 15 feet.
 - c. **Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.
 - d. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
 - (1) The required number of bicycle parking spaces be reduced.
 - (2) The number of spaces required for a residential second unit be reduced or be allowed to be located within the required front setback area.
 - (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.
 4. **Prohibited Modifications.** In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.
- C. **Contents of Application.** An application for a Modification shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
1. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 2. The project shall be subject to the provisions of Section 35.472.070 (Design Review), and shall be scheduled to be heard by the Montecito Board of Architectural Review for preliminary review and

approval only, before the project is heard by the Montecito Commission.

3. The Montecito Commission shall hold at least one noticed public hearing on the requested Modification and either approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
5. The Montecito Commission, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and general welfare.
6. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

E. Findings required for approval. An application for a Modification shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. The project is consistent with the Comprehensive Plan, including the Montecito Community Plan.
2. The project complies with the intent and purpose of the applicable zone including overlays and this Development Code.
3. The Modification is minor in nature and will result in a better architectural or site design as approved by the Montecito Board of Architectural Review, and/or will result in greater resource protection than the project without the Modification.
4. The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.
5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
6. The project will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.
7. Any adverse environmental impacts will be mitigated to a level of insignificance.

F. Expiration.

1. **Expiration in 12 months.** A Modification shall expire 12 months from the effective date if a Coastal Development Permit or Land Use Permit has not been issued for the project for which the Modification was approved unless otherwise specified by conditions of project approval or unless a time extension has been approved in compliance with Section 35.474.030 (Time Extensions).
2. **Once granted a Coastal Development Permit or Land Use Permit.** Once the project for which the Modification was approved has been issued a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), the Modification shall have the same expiration date as the issued Coastal Development Permit or Land Use Permit.

G. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures) and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Modification.

35.472.130 - Overall Sign Plans

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.
- B. Applicability.** The provisions of this Section shall apply to all proposed signs located within shopping centers.
- C. Allowed modifications.** The Montecito Commission may allow the following sign modifications as part of the approval of an Overall Sign Plan:
1. **Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
 2. **Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
 3. **Under canopy signs.** An increase in the area limitation of under canopy signs.
 4. **Wall signs.** An increase in the area limitation of wall signs.
- D. Contents of application.** An application for an Overall Sign Plan shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- E. Processing.**
1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
 - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.
 2. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 3. The Overall Sign Plan shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - a. The Montecito Board of Architectural Review shall provide a recommendation to the Montecito Commission on:
 - (1) The effect of the proposed Overall Sign Plan on:
 - (a) The various parts of and commercial enterprises within the shopping center.
 - (b) The streets and properties surrounding the shopping center.
 - (c) The overall continuity of design and signs within the shopping center.
 - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
 - b. If the area of menu boards for drive-through restaurants, under-canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Montecito Board of Architectural Review shall make specific recommendations to the Montecito Commission on any such modification.
 4. The Montecito Commission shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Montecito Commission shall consider the effect of the proposed Overall Sign Plan upon:
 - a. The various parts of and commercial enterprises within the shopping center.

- b. The streets and properties surrounding the shopping center.
- c. The overall continuity of design and signs within the shopping center.
- 5. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - a. In addition to mailed notice required in compliance with Chapter 35.496 (Noticing and Public Hearings), notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
- 6. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

F. Findings required for approval. If an Overall Sign Plan application includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:

- 1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
- 2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
- 3. **Under-canopy signs.** The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
- 4. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.140 - Reclamation and Surface Mining Permits

A. Purpose and intent. This Section provides regulations for surface mining operations in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), hereinafter referred to as SMARA; Public Resources Code Section 2207; and California Code of Regulations, Title 14, Sections 3500 et seq., to ensure that:

- 1. **Adverse environmental effects to be prevented or minimized.** The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands for alternative land uses; and
- 2. **Production and conservation of minerals to be encouraged.** The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment (e.g., air pollution, damage to biological resources, degradation of scenic quality, erosion, flooding, geologic subsidence, noise pollution, and water quality degradation), while giving proper consideration to community values relating to aesthetic enjoyment, range and forage, recreation, watershed, and wildlife.

B. Definitions. Definitions of the specialized terms and phrases used in this Section are in Division 35.10 (Glossary).

- C. Incorporation of SMARA and State Regulations.** The provisions of SMARA, Public Resources Code Section 2207, and the California Code of Regulations implementing SMARA (14 California Code of Regulations, Section 3500 et seq.), as either may be amended from time to time, are made a part of this Section by reference, with the same force and effect as if these provisions were specifically and fully contained within this Section. These regulations shall hereafter be referred to in this Section as the State Regulations.
- D. Applicability.** Unless exempted by the provisions of the State Act, the State Regulations, or Subsection D.1 (Exemptions) below, any person (as defined in the State Regulations) who proposes surface mining operations shall, before the commencement of any operations, obtain both a permit to mine and approval of a Reclamation Plan in compliance with this Section.
- 1. Exemptions.** This Section and its permit and Reclamation Plan requirements in Subsection E. (Permit and Reclamation Plan requirements) below, do not apply to the following activities:
 - a. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA Section 2714(a))
 - b. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in one or more locations or lots under the control of one operator that do not exceed a total of one acre. A Coastal Development Permit in compliance with [Section 35.472.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#), as applicable, and Grading Permit in compliance with Section 14.6 of County Code Chapter 14, the Grading Ordinance, may be required for excavations or extractions of more than 50 cubic yards.
 - c. Surface mining operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose. (SMARA Section 2714(e))
 - d. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to the conditions in SMARA Section 2714(b).
 - e. Other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA Section 2714(f))
 - 2. Vested rights.** A person shall be deemed to have vested rights if, prior to January 1, 1976, he or she has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. (SMARA Section 2776).
 - 3. Earthwork.** Reclamation activities shall be consistent with the applicable provisions of the Grading Ordinance (County Code Chapter 14) and with other established engineering and geologic standards.
 - 4. Authority of Building Official to prevent engineering hazards.** The approval of a Conditional Use Permit or Reclamation Plan shall not prevent the Building Official from thereafter requiring the correction of errors in the permit or Reclamation Plan for earthwork specification, or from preventing surface mining operations or reclamation efforts being carried out in compliance with a permit or Reclamation Plan, where the Building Official has determined that a significant engineering hazard threatening public health and safety, or substantial physical damage to off-site

property or lands outside of the approved boundary of the mining operation is likely to occur, or has occurred, as a result of surface mining operations or reclamation efforts.

- a. **Curtailment order.** The Building Official may order that correction of earthwork specifications and/or curtailment of activities is required to protect the public health and safety, or to prevent or minimize substantial physical damage to off-site property or lands outside of the approved boundary of the mining operations.
- b. **Notice and hearing.** Before issuing any correction or curtailment order, the Building Official shall establish a time for hearing and shall give written notice of the time and place of the hearing and the engineering hazard to be abated.
 - (1) The notice shall be given to the operator 10 days before the hearing at which time there will be an opportunity for all concerned parties to present evidence. The notice may be served in person or by certified mail.
 - (2) The notice shall include procedures for appeal of the determination by the Building Official to the Montecito Commission and, thereafter, to the Board in compliance with Chapter 35.492 (Appeals).
 - (3) At the same time that notice of the order is conveyed, the Building Official shall establish a date, time, and place for a publicly noticed hearing and review of the order as soon as possible, which date shall be no later than 48 hours after the order is issued or served.
 - (4) The hearing shall be conducted in the same manner as a hearing on prior notice.
 - (5) After the hearing, the Building Official may modify, revoke, or retain the emergency curtailment order.
- c. **Curtailment order without notice or hearing.** In the event the Building Official determines there is an imminent danger to the public health and safety resulting from an alleged engineering hazard, the Building Official may summarily order the necessary curtailment of activities without prior notice and hearing and the order shall be obeyed upon notice of same, whether written or oral.
- d. **Appeal and effect of appeal.** An affected person may appeal an order of the Building Official to the Montecito Commission in compliance with Chapter 35.492 (Appeals), within 10 calendar days of the date that notice of the order is given.
 - (1) If there is an appeal, the order of the Building Official shall remain in full force and effect until action is taken by the Montecito Commission or, upon appeal, the Board.
 - (2) The decision of the Montecito Commission, or Board on an appeal, shall constitute a final action by the County.
 - (3) The decision shall not preclude a surface mining operator from seeking judicial relief.
 - (4) If an appeal is not filed, the Building Official's order becomes final.

E. **Permit and Reclamation Plan requirements.** The following requirements apply to all surface mining operations in all zones.

1. **Conditional Use Permit and Reclamation Plan.** County approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits), a Reclamation Plan prepared in compliance with SMARA and this Section, and a lead agency approved financial assurance shall be required prior to the commencement of any surface mining operations, unless the operations are

exempted by the provisions of SMARA, the State regulations, or Subsection D.1 (Exemptions) above.

2. **Coastal Development Permit or Land Use Permit required.** A surface mine operator shall obtain a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits), as applicable, prior to the initiation of mining and reclamation activities approved under a Conditional Use Permit and Reclamation Plan. The surface mine operator shall also obtain a separate Coastal Development Permit or Land Use Permit to implement a Reclamation Plan.

F. Application requirements. An application for a Conditional Use Permit and Reclamation Plan shall include:

1. The application forms provided by the Department and each of the informational items listed on the Conditional Use Permit and Reclamation Plan application forms;
2. Documentation of how the mining operation authorized under the proposed Conditional Use Permit would be in compliance with the minimum acceptable surface mining practices specified in California Code of Regulations, Title 14, Section 3503; and
3. A proposed Reclamation Plan that includes all of the information required by SMARA Section 2772(c) and California Code of Regulations, Title 14, Section 3502, documentation of how the proposed plan satisfies the reclamation standards specified in California Code of Regulations, Title 14, Sections 3700 - 3713, and a grading plan that illustrates the existing (pre-mining) topography, the topography at the end of any designated phase of mining and reclamation, and the topography of the final reclaimed surface to remain after the cessation of mining activities.

The Conditional Use Permit application and the proposed Reclamation Plan shall be submitted concurrently but compiled and presented as two separate documents. The number of copies of the Conditional Use Permit and Reclamation Plan applications to be submitted shall be determined by the Department.

G. Processing.

1. **Agency notification.**

- a. **Department of Conservation.** Within 30 days of receipt of an application for a Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the County shall notify the Director of the California Department of Conservation (DOC Director) of the filing of the applications. (SMARA Section 2774(e))
- b. **Department of Transportation.** Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received. (SMARA Section 2770.5)
- c. **County Departments.** The Department shall provide a copy of the applications to each County department represented on the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.

2. **Environmental review.** Upon a determination by the County that the applications are complete, the applications for Conditional Use Permit and Reclamation Plan approval shall be reviewed in compliance with the California Environmental Quality Act.

3. Public hearings.**a. Conditional Use Permits.**

- (1) The Montecito Commission shall consider the Conditional Use Permit at a noticed public hearing and shall approve, conditionally approve, or deny the request.
- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (3) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (4) In the Coastal Zone, a decision of the Board to approve a Conditional Use Permit in compliance with this Section may be appealed to the Coastal Commission in compliance with Chapter 35.492 (Appeals).

b. Reclamation Plan and financial assurances.

- (1) Prior to taking final action on the Reclamation Plan, the Montecito Commission shall first conceptually approve the Reclamation Plan, financial assurances, and any amendments thereto, at a noticed public hearing before submitting them to the Director of the Department of Conservation for review.
- (2) The Montecito Commission shall then submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with its certification that the documents and their content comply with all applicable State Regulations. (SMARA Section 2774(c))
- (3) The Director of the Department of Conservation shall have 30 days from the date of receipt of the conceptually approved Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director so chooses. (SMARA Section 2774(d))
- (4) The Montecito Commission shall consider all comments from the Director of the Department of Conservation that are submitted within the statutory comment period at a noticed public hearing and shall take final action to approve, conditionally approve or deny the Reclamation Plan and financial assurances.
- (5) The Montecito Commission shall incorporate the comments and recommendations of the Director of the Department of Conservation into the Reclamation Plan as part of plan approval or shall adopt detailed written responses that explain why specific comments or recommendations were not accepted. (SMARA, Section 2774(d))
- (6) Copies of any written comments received and responses prepared by the Montecito Commission shall be promptly forwarded to the surface mining operator.
- (7) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (8) The final action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (9) A decision of the Board on a Reclamation Plan may be appealed to the State Mining and Geology Board in compliance with Public Resources Code Section 2770, and the California Code of Regulations, Title 14, Section 3650.

4. **State notification of County approval.** The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan to the Director of the Department of Conservation.
5. **State review of financial assurances.** The Department shall also forward a copy of the approved financial assurances to the Director of the Department of Conservation for review. Refer to Subsection J.2 (Requirements, forms and amount) below.

H. Performance standards.

1. Surface mining operations.

- a. **Compliance with State regulations required.** All surface mining operations for which a new or revised Conditional Use Permit is required shall comply with the requirements contained in SMARA and implementing State Regulations.
- b. **Compliance with County standards required.** The following standards shall apply in addition to the State regulations as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit.
 - (1) **Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.
 - (2) **Noise and vibration.** Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air conditions, generated by any use on the subject property shall not exceed 65 dB(A) LDN as measured at the location of the nearest noise sensitive use (as defined in the County Noise Element) beyond the property line of the mining operation.
 - (3) **Traffic safety.**
 - (a) Parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards). Adequate provision shall be made for the queuing and loading of trucks.
 - (b) Haul roads shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the mining permit. The haul routes as well as other transport routes from the processing facilities to market destinations shall avoid, to the maximum extent feasible, routing through residential neighborhoods.
 - (c) The number and location of access points to the mining operation shall be specified in the mining permit.
 - (4) **Dust control.** During hours of operations, all access roads shall be contained, protected, or wetted in a manner designed to minimize the generation of dust.
 - (5) **Public health and safety.**
 - (a) Appropriate measures, including fencing, shall be provided where determined by the Montecito Commission to be necessary for public safety.
 - (b) Excavations shall be posted to give reasonable public notice, where determined by the Montecito Commission to be necessary for public safety.

- (c) A body of water created during operations within the excavation shall be maintained in a manner designed to provide for maximum mosquito control and to prevent the creation of health hazards or a public nuisance.
- (d) Any generation of offensive fumes or odors, glare, heat, noxious gases or liquids, or radiation and all other activities shall be conducted in a manner that will not be injurious to the health, safety, or general welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- (6) **Screening.** To the maximum extent feasible, screening or other aesthetic treatments (e.g., berms, fences, plantings of suitable shrubs and/or trees) shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures, and equipment. Mining operations that are visible from a scenic highway designated in the Comprehensive Plan, as well as from a route classified as having highest scenic values in the Open Space Element, shall be screened or other appropriate and effective aesthetic treatments shall be used to minimize impacts on scenic resources.
- (7) **Protection of streams and groundwater basins.** All surface mining operations shall incorporate measures to protect surface and groundwater quality as determined necessary and required by law by relevant county, state, and federal agencies.
- (8) **Slope Stability.** All excavation or placement of fill associated with mining operations shall be conducted in a manner that avoids landslides or other slope instabilities.
- (9) **Annual report.** Each surface mining operator shall forward an annual status report to the Director of the Department of Conservation and the Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board. (Public Resources Code Section 2207, Subdivisions (a) through (g))

2. Reclamation Plans.

- a. **Compliance with State standards required.** Each new or substantially amended Reclamation Plan shall comply with the minimum statewide performance standards required by SMARA Section 2773(b), and identified in California Code of Regulations Title 14, Section 3700 et seq., regarding:
 - (1) Backfilling, recontouring;
 - (2) Regrading, revegetation, and slope stability;
 - (3) Closure of surface openings; diversion structures, drainage, erosion control, and waterways;
 - (4) Prime agricultural land reclamation, other agricultural land, equipment, and structure removal;
 - (5) Stream protection, including groundwater and surface;
 - (6) Tailing and mine waste management;
 - (7) Topsoil maintenance, redistribution, and salvage; and
 - (8) Wildlife habitat.
- b. **Compliance with County standards required.** The following standards shall apply in addition to the State standards, as determined by the Montecito Commission to be appropriate to surface mining operations that are subject to new or substantially amended Reclamation Plans.

- (1) **Revegetation.** All revegetation and/or re-establishment shall comply with an approved landscaping plan, in compliance with Chapter 35.434 (Landscaping Standards).
- (2) **Visual resources.** The Reclamation Plan shall, to the maximum extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include re-soiling, re-contouring of the land to be compatible with the surrounding natural topography, and re-vegetation and the end uses specified by the landowner. Where the mining operation requires the cutting, leveling, removal, or other alteration of ridgelines on slopes of 20 percent or more, the Reclamation Plan shall ensure that the mined areas are found compatible with the surrounding natural topography and other resources of the site.
- (3) **Grading regulations.** Each Reclamation Plan shall comply with applicable provisions of the Grading Ordinance (County Code Chapter 14).
- (4) **Phasing of reclamation.** See also Subsection K. (Inspections) below.
 - (a) A Reclamation Plan shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. (SMARA, Section 2772(f))
 - (b) Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as "idle" within the meaning of SMARA, Section 2727.1.
 - (c) The interim management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity before resumption of mining and ultimate reclamation.
 - (d) Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, fill, or removal as approved by the Montecito Commission.
 - (e) Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs in compliance with Subsection J. (Financial assurances for Reclamation Plans) below.
 - (f) The reclamation schedule shall be subject to Montecito Commission approval.

I. Findings for approval.

1. **Surface mining operations.** In addition to the findings required for the approval of a Conditional Use Permit by Section 35.472.060 (Conditional Use Permits), a Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the Montecito Commission also first finds that the project complies with Subsection H.1 (Surface mining operations) above.
2. **Reclamation Plans.** An application for a Reclamation Plan shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:
 - a. The Reclamation Plan complies with applicable requirements of SMARA and associated State Regulations with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standards.

- b. The Reclamation Plan and the potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.
- c. In approving or conditionally approving the Reclamation Plan, the required findings in compliance with the California Environmental Quality Act can be made.
- d. The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.
- e. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development Code and the Comprehensive Plan.
- f. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of the major issues raised by the Director of the Department of Conservation. Where the Montecito Commission does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA Section 2774(d))

J. Financial assurances for Reclamation Plans.

- 1. **Purpose.** This Section is intended to ensure that reclamation will proceed in compliance with an the approved Reclamation Plan, as it may be amended, through the maintenance of funds available to the County and the State that are adequate to reclaim the site in the event of a default by the operator.
- 2. **Requirements, forms, and amount.**
 - a. The operator shall post a financial assurance instrument or mechanism in a form authorized under California Code of Regulations Title 14, Section 3800 et seq. of the State Mining and Geology Board reclamation regulations.
 - b. Financial assurances shall be made payable to the County and the Department of Conservation. (SMARA, Section 2773.1(a)(4))
 - c. The amount of the financial assurance to be posted with the County shall be equivalent to the estimated cost of reclamation of the site from its current condition in a manner consistent with the approved Reclamation Plan, plus an amount to ensure reclamation of the additional ground disturbance anticipated to occur in the following year. The financial assurance shall be based on a cost estimate prepared using the Financial Assurance Guidelines adopted by the State Mining and Geology Board. All financial assurances shall be approved by the County and the Department of Conservation
 - d. The financial assurance amount shall be based on an estimate of "third-party" costs to reclaim the mined lands. These costs shall include direct costs for onsite reclamation activities, such as revegetation, grading, and equipment removal, and indirect costs, such as supervision, mobilization, profit and overhead, contingencies, and lead agency monitoring. The operator shall submit a reclamation cost estimate using the State Financial Assurance Guidelines or similar instrument, for review and approval by the County and the Department of Conservation prior to posting of a new or revised Financial Assurance.

K. Inspections. Each Surface Mining Permit and Reclamation Plan shall provide for periodic compliance inspections as follows.

- 1. The Department or other designated County agency shall conduct an inspection of a surface mining operation within 180 days of receipt of the annual report required in Subsection H. (Performance standards) above, filed by the mining operator in compliance with Public Resources Code Section

2207, solely to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, and the State Regulations. (SMARA, Section 2774 (b))

2. In no event shall less than one inspection be conducted within any single calendar year.
3. The inspection may be made by a state-registered civil engineer, state-registered forester, state-registered geologist, state-licensed landscape architect, or other qualified specialist, as approved by the County.
4. All inspections shall be conducted using a form approved by the Department of Conservation or the State Mining and Geology Board.
5. The County shall notify the Director of the Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted and shall forward a copy of the inspection report and any supporting documentation to the Director of the Department of Conservation and mining operator.
6. The operator shall be solely responsible for the reasonable cost of the inspection by the County and its designees.

L. Interim management plan requirements.

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770 (h))
 - a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit and/or Reclamation Plan.
 - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. (SMARA, Section 2770(h))
 - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.
2. **Montecito Commission review and decision.** The Montecito Commission shall be the review authority for an interim management plan associated with mining operations.
 - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Montecito Commission shall review, and approve or deny the plan in compliance with Subsection G. (Processing) above.
 - (1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
 - (2) The Montecito Commission shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
 - (3) An action of the Montecito Commission to deny the revised interim management plan may be appealed in compliance with Chapter 35.492 (Appeals).
3. **Time limit, extension.** The interim management plan shall remain in effect for a maximum of five years, at which time the Montecito Commission may renew the plan for one additional five-year period, or require the surface mine operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))

- M. Time limit for commencement of surface mining operation.** The time limit for commencing a surface mining operation that is allowed in compliance with this Section shall be the same as the time limit of the

Conditional Use Permit required in compliance with Subsection E. (Permit and Reclamation Plan requirements) above.

N. Violations and penalties.

1. **Failure to comply with approved Reclamation Plan.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its approved Reclamation Plan, the County shall follow the procedures in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties.
2. **Failure to comply with Conditional Use Permit.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its Conditional Use Permit, the County shall follow the procedures for permit revocation and other enforcement actions specified in Section 35.474.060 (Revocations) and Chapter 35.498 (Enforcement and Penalties).

O. Fees. The Board Fee Schedule shall include fees as reasonable and necessary to cover the costs of implementing this Section and the State Regulations, including application processing, preparation of annual reports, compliance inspections, and enforcement.

P. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Reclamation and Surface Mining Permit.

35.472.150 - Sign Certificates of Conformance

A. Purpose and intent. This Section establishes procedures and findings for the approval of Sign Certificates of Conformance that are required in compliance with Chapter 35.438 (Sign Standards). The intent of this Section is to ensure that proposed signage is visually attractive and complies with the goals of the County.

B. Applicability. Before erecting, applying, installing, affixing, altering, relocating or projecting as an image any signage, a Sign Certificate of Conformance shall be issued unless identified as exempt from permit requirements by Chapter 35.438 (Sign Standards).

C. Contents of application. An application for a Sign Certificate of Compliance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. The Director shall review the Sign Certificate of Conformance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code and other applicable conditions and regulations, and shall approve, conditionally approve, or deny the request. A Sign Certificate of Conformance shall not be issued by the Director until all necessary prior approvals (e.g., Design Review, Overall Sign Plan) have first been obtained.

- a. **Signs located in shopping centers.** A Sign Certificate of Compliance for a sign located within a shopping center shall not be issued by the Director unless the sign is determined to be in compliance with an approved Overall Sign Plan (Section 35.472.130 (Overall Sign Plans)).

2. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

E. Findings required for approval. A Sign Certificate of Conformance application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. The proposed signage is in compliance with Chapter 35.438 (Sign Standards).

2. The subject property is in compliance with all laws, regulations, and rules pertaining to zone uses, subdivisions, height requirements, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid.

F. Permit expiration. A Sign Certificate of Conformance shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

35.472.160 - Sign Modifications

A. Purpose and intent. This Section establishes procedures and findings for the approval of Sign Modifications of certain limitations for menu boards for drive-through restaurants and wall signs that are not part of an Overall Sign Plan that are outside of shopping centers.

B. Applicability. Sign Modifications may be granted for the following types of signs located within property zoned commercial located outside of shopping centers:

1. Menu boards for drive through restaurants.
2. Wall signs.

C. Allowed Sign Modifications. Sign Modifications are limited to the following:

1. **Menu boards for drive through restaurants.** An increase in the area limitation of menu boards may be allowed.
2. **Wall signs.** An increase in the area limitation of wall signs may be allowed.

D. Contents of application. An application for a Sign Modification shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

E. Processing.

1. The Montecito Commission shall hold at least one noticed public hearing on the requested Sign Modification and approve, conditionally approve, or deny the request.
2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
3. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

F. Findings required for approval. A Sign Modification application shall be approved or conditionally approved only if the Montecito Commission first makes the following findings, as applicable:

1. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
2. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

- b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.472.170 - Use Determinations

- A. **Purpose and intent.** The purpose of this Section is to provide procedures for evaluating proposed land uses that are not specifically enumerated in a zone but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone. The intent of this Section is to provide specific consideration of such uses. Within this section “permitted uses” shall mean those uses within Tables 2-1, 2-4, 2-7, 2-8, 2-12 and 2-14 contained within Division 35.2 (Montecito Zones and Allowable Land Uses) in which the “Permit Requirement” is denoted with a “P”.
- B. **Applicability.** The provisions of this Section shall only apply to zones identified in Subsection 35.420.030.A.3 (Similar and compatible use may be allowed).
- C. **Contents of application.** An application for a Use Determination shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Processing.**
 1. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 2. The Montecito Commission shall hold at least one noticed public hearing on the requested Use Determination and approve, conditionally approve, or deny the request.
 3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 4. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- E. **Findings required for approval of Use Determinations.** A Use Determination application shall be approved only if the Montecito Commission first makes all of the following findings, as applicable:
 1. **Neighborhood Commercial (CN)**
 - a. The proposed use is similar in character to those listed as permitted uses in the CN zone.
 - b. The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the CN zone because of noise, odor, dust, smoke, vibration, traffic congestion, danger to life, property or other similar causes.
 2. **Public Utilities (PU) zone.** The proposed use is similar in character to those listed as permitted uses in the PU zone.
 3. **Recreation (REC) zone.**
 - a. **Coastal Zone.** The proposed use is similar in character to those listed as permitted uses in the coastal REC zone.
 - b. **Inland area.** The proposed use is similar in character to those listed as permitted uses in the inland area REC zone, not including fairgrounds, amusement parks or large indoor recreational complexes.
 4. **Transportation Corridor (TC) zone.** The proposed use is determined to be required for the purpose of operating a railroad or highway.

F. Applicable standards and permit requirements.

When the Montecito Commission determines that a proposed, but unlisted, use is similar to a listed permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Development Code apply.

35.472.180 - Variances

A. Purpose and intent. The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.

B. Applicability.

1. The provisions of this Section shall apply to all zones.
2. In no case shall a Variance be granted:
 - a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located; or
 - b. From the procedures identified in this Development Code.

C. Contents of application. An application for a Variance shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).

D. Processing.

1. An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.
2. The Montecito Commission shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
4. The Montecito Commission, in approving the Variance, may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety and welfare.
5. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
6. Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree in writing to comply with all conditions imposed by the review authority in the granting of the Variance.

E. Findings required for approval. A Variance application shall be approved or conditionally approved only if the Montecito Commission first makes all of the following findings:

1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject

property of privileges enjoyed by other property in the vicinity and under identical zone classification.

2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan, including the Montecito Community Plan.
4. The project meets all of the applicable development standards included within the Montecito Community Plan.
5. The project will not adversely impact recreational facilities and uses.

F. Post approval procedures. The procedures and requirements in Chapter 35.474 (Post Approval Procedures), and those related to appeals and revocation in Division 35.9 (Montecito Land Use and Development Code Administration), shall apply following the decision on an application for a Variance.

35.472.190 - Zoning Clearances

A. Purpose and intent. This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B. (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan including the Montecito Community Plan, this Development Code, and any conditions or development standards established by the County.

B. Applicability.

1. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Development Code, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#).
2. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps). In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that does not require a construction permit but is still subject to the standards of this Development Code.

C. Contents of application. An application for a Zoning Clearance shall be submitted in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. **Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions or regulations, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
 - a. All necessary prior approvals have been obtained;

- b. The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.491 \(Nonconforming Uses, Structures, and Lots\)](#).
2. **Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance is final and not subject to appeal.
3. **Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with [Section 35.472.070 \(Design Review\)](#).
4. **Development Plan required.** The approval of a Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.
5. **Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with [Section 35.472.060](#) or Preliminary or Final Development Plan was approved in compliance with [Section 35.472.080](#)) before the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Conditional Use Permit or Preliminary or Final Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.
2. A Zoning Clearance shall expire two years from the date of issuance if the use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance unless a time extension is approved in compliance with [Section 35.474.030 \(Time Extensions\)](#).

F. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance shall be allowed in compliance with [Section 35.474.040 \(Changes to an Approved Project\)](#).

G. Zoning Clearance revocation. A Zoning Clearance issuance may be revoked or modified in compliance with [Section 35.474.060 \(Revocations\)](#).

CHAPTER 35.474 - POST APPROVAL PROCEDURES

Sections:

- 35.474.010 - Purpose and Intent
- 35.474.020 - Performance Guarantees
- 35.474.030 - Time Extensions
- 35.474.040 - Changes to an Approved Project
- 35.474.050 - Reapplications
- 35.474.060 - Revocations
- 35.474.070 - Post Approval Inspections

35.474.010 - Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code and procedures for granting extensions of time.

35.474.020 - Performance Guarantees

A. Deposit of financial assurances.

1. As a condition of approval of a planning permit, the review authority may require the deposit of a financial assurance (aka security) in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of a planning permit in the event that the obligor fails to perform.
2. The financial assurance shall be in the form of cash, surety/performance bond, trust fund (assignment of credit, certificate of deposit, passbook), irrevocable letter of credit, or other mechanism approved by the County.
3. The financial assurance shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

B. Payable to the County. Any financial assurance required in compliance with this Section shall be payable to the County.

C. Satisfactory compliance. After satisfactory compliance with all applicable provisions of this Section, the financial assurance shall be released to the permittee.

D. Failure to comply.

1. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the financial assurance shall be refunded to the obligor after deduction of the cost of the work.

35.474.030 - Time Extensions

A. Purpose and intent. The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.

B. Applicability and filing. The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of

the Time Extension request.

C. **Contents of application.** An application for a Time Extension shall be filed and processed in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).

D. **Processing.**

1. **Coastal Development Permit.**

a. **Approved Coastal Development Permits for appealable development.**

(1) **Coastal Development Permit approved by the Director.** The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

- (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (b) A public hearing shall not be required if the Director is the review authority for the application for the time extension.
- (c) The Director may approve, conditionally approve or deny the request.
- (d) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

(2) **Coastal Development Permit approved by the Montecito Commission.** The Montecito Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Montecito Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

- (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (b) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.
- (c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

b. **Issued Coastal Development Permits for appealable and non-appealable development.** The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

2. Conditional Use Permits.

a. Extension of permit approval. The Montecito Commission may extend the approval of a Conditional Use Permit one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection [35.472.060.E](#) (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.438 \(Sign Standards\)](#)) or Subsection [35.472.060.F](#) (Findings required for approval of Conditional Use Permit applications submitted in compliance with [Chapter 35.438 \(Sign Standards\)](#)) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.

b. Discontinuance of use. The Montecito Commission may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:

- (1) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (3) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

3. Development Plans (Preliminary and Final).

a. Extension of permit approval. The review authority that approved the Development Plan may extend the approval of the Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. Expiration.** A Development Plan shall expire 12 months from the date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.
- 4. Land Use Permits.** The Director may extend the time limit of an issued Land Use Permit one time for 12 additional months for good cause shown only if the Director first finds that the applicable findings for approval required in compliance with Section 35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.
- 5. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.
- 6. Zoning Clearances.** The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:
 - (a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
 - (b) That the determination required in compliance with Subsection 35.472.190.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.
- 7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.474.030.D.7.a. above is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

- E. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

35.474.040 - Changes to an Approved Project

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during, or after construction or establishment and operation of the approved land use.

- A. Contents of application.** An application for a change to an approved or issued planning permit shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- B. Minor changes to Coastal Development Permits, Land Use Permits, and Zoning Clearances.** Minor changes to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, may be allowed provided; the changes substantially conform to the approved or issued permit or clearance. A request shall be processed in the following manner:
1. The Director may approve a minor change to an approved or issued Coastal Development Permit or Land Use Permit, or issued Zoning Clearance, subject to all of the following:
 - a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;
 - b. There is no change in the use or scope of the development;
 - c. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - d. The Coastal Development Permit, Land Use Permit or Zoning Clearance has not expired; and
 - e. The minor change is exempt from Design Review in compliance with Section 35.472.070 (Design Review).
 2. Where a minor change of an approved or issued Coastal Development or Land Use Permit or issued Zoning Clearance is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.
 3. Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit or Land Use Permit or issued Zoning Clearance in compliance with the above criteria, a new Coastal Development Permit, Land Use Permit or Zoning Clearance shall be required.
 4. The determination to allow a minor change to an approved or issued Coastal Development Permit or Land Use Permit or issued Zoning Clearance is final and not subject to appeal, except that a decision on a request to revise a Coastal Development Permit which allows development defined as appealable development may be appealed in compliance with Chapter 35.492 (Appeals).
- C. Substantial Conformity Determinations.** The Director may approve a minor change to an approved Conditional Use Permit or Final Development Plan if the Director first determines that the change is in substantial conformity with the approved permit, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix G).
1. **Notice and public hearing not required.** No public notice or public hearing shall be required for Substantial Conformity Determinations.
 2. **Action not subject to appeal.** The action of the Director is final and not subject to appeal.

3. Conditional Use Permits.

- a. **Coastal Zone.** A Coastal Development Permit approved in compliance with Section 35.472.050 shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Coastal Zone.
 - (1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit, that the Coastal Development Permit substantially conforms to the previously approved Conditional Use Permit.
 - (2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- b. **Inland area.** A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Inland area.
 - (1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.
 - (2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

4. Final Development Plans.

- a. **Coastal Zone, appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is defined as appealable development.
 - (1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.
 - (2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- b. **Coastal Zone, not appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development

and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is not defined as appealable development.

- (1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.
- (2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

c. Inland area. A Land Use Permit approved in compliance with Section 35.472.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Inland area.

- (1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Final Development Plan.
- (2) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

D. Amendments. Where a change to an approved Conditional Use Permit or Final Development Plan is not in substantial conformity with the approved permit, the Director may approve, conditionally approve or deny an application to add, alter, relocate, replace, or otherwise amend a Conditional Use Permit or Final Development Plan in compliance with the following.

1. Area under review.

- a. Conditional Use Permits.** The location within the project site that is under review was analyzed for potential environmental impacts and policy consistency under the processing of the approved permit.
- b. Development Plans.** The location within the project site that is under review:
 - (1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - (2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

2. Findings. An Amendment application shall be approved or conditionally approved only if the Director first makes all of the following findings:

- a.** In addition to the findings required for approval of a Conditional Use Permit or Final Development Plan identified in Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in

compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.080.E (Findings required for approval), as applicable, the Amendment is consistent with the specific findings of approval, including environmental review findings in compliance with the California Environmental Quality Act, if applicable, which were made when the Conditional Use Permit or Final Development Plan was initially approved.

- b. The environmental impacts related to the proposed Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Development Plan.

- 3. **Public hearing not required.** A public hearing shall not be required before the Director takes action on an application for an Amendment to an approved Conditional Use Permit or Final Development Plan, however; notice shall be given at least 10 days before the date of the Director's decision on the Amendment in compliance with Chapter 35.496 (Noticing and Public Hearings).

E. Revisions.

- 1. A revised Conditional Use Permit or Final Development Plan shall be required for changes to an approved permit where the findings identified in Subsection D. (Amendments) above cannot be made and substantial conformity cannot be determined.
- 2. A revised permit shall be processed in the same manner as a new Conditional Use Permit or Final Development Plan, in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans).
- 3. The approval by the review authority of a revised Conditional Use Permit or Final Development Plan shall automatically supersede any previously approved Conditional Use Permit or Final Development Plan upon the effective date of the revised permit.

35.474.050 - Reapplications

An application shall not be accepted or acted upon if within the past 12 months an application has been made and denied by the County which covers substantially the same real property, and which requests approval of substantially the same project, unless the review authority allows the reapplication because of an express finding that one or more of the following factors applies:

- A. **New evidence.** New evidence potentially material to a revised decision is presented which was unavailable or unknown to the applicant at the previous hearing and which could not have been discovered in the exercise of reasonable diligence by the applicant.
- B. **Substantial and permanent change of circumstances.** There has been a substantial and permanent change of circumstances since the previous hearing which materially affects the applicant's real property.
- C. **Mistake made at the previous hearing.** A mistake was made at the previous hearing which was a material factor in the denial of the previous application.

35.474.060 - Revocations

This Section provides procedures for revocation or modification of issued Coastal Development Permits, Land Use Permits and Zoning Clearances and approved Conditional Use Permits. The review authority's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

- A. **Revocation of Coastal Development Permits, Land Use Permits, and Zoning Clearances.** Issuance of a Coastal Development Permit, Land Use Permit or Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this

Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.

1. **Notification.** Written notice of such Revocation shall be provided to the permittee.
2. **Appeal.** The action of the Director to revoke a Coastal Development Permit, Land Use Permit or Zoning Clearance is final subject to appeal in compliance with [Chapter 35.492 \(Appeals\)](#).

B. Conditional Use Permits. If the Montecito Commission determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit, the Montecito Commission may revoke the Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with Subsection 35.474.040.D (Amendments) or Subsection 35.474.040.E (Revisions) above.

1. **Procedures.**
 - a. The Montecito Commission shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or to directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - c. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with Section 35.474.040 (Changes to an Approved Project) above, the Montecito Commission shall be the review authority for the required Amendment or Revision.

35.474.070 - Post Approval Inspections

If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises at all reasonable times in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

CHAPTER 35.476 - DEVELOPMENT AGREEMENTS

Sections:

- 35.476.010 - Purpose and Intent
- 35.476.020 - Application Requirements
- 35.476.030 - Notices and Hearings
- 35.476.040 - Standards of Review, Findings, and Decision
- 35.476.050 - Development Agreement Amendment or Cancellation
- 35.476.060 - Recordation
- 35.476.070 - Periodic Review
- 35.476.080 - Modification or Termination

35.476.010 - Purpose and Intent

The purpose and intent of this Chapter is to establish procedures and requirements for the review and approval of Development Agreements in compliance with Government Code Section 65864, et seq.

35.476.020 - Application Requirements

A. Qualification as an applicant.

1. Only a person who has legal or equitable interest in the real property that is the subject of a proposed Development Agreement, or their authorized agent, may apply to the County for the approval of a Development Agreement.
2. The Director may require an applicant to submit proof of their interest in the real property and of the authority of an agent to act for the applicant.
3. Before processing the application, the Director shall obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the Agreement.

B. Application contents.

1. **Forms and information.** The Director shall prescribe the form for application, notice, and documents provided for or required under this Chapter for the preparation and implementation of a Development Agreement. The Director may require an applicant to submit information and supporting data as the Director considers necessary to process the application.
2. **Proposed form of Agreement.** Each application shall be accompanied by a draft Development Agreement in the form required by the County.
3. **Fee.** Each application for a Development Agreement shall include the processing fee deposit established by the Board's Fee Resolution.

C. Application filing and processing. An application for a Development Agreement shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

35.476.030 - Notices and Hearings

- #### A. Notice of intention.
- The Director shall give notice of intention to consider adoption of a Development Agreement in addition to any other notice required by this Development Code for other actions to be considered concurrently with the Development Agreement. The notice shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

B. Public hearings.

1. **Montecito Commission and Board hearings required.** The Montecito Commission shall conduct at least one public hearing on a proposed Development Agreement before making a recommendation to the Board on the Agreement and the Board shall conduct at least one hearing before making a decision on the application.
2. **Hearing notice.** Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Failure of any person entitled to notice required by law or this Development Code does not affect the authority of the County to enter into a Development Agreement.

35.476.040 - Standards of Review, Findings, and Decision**A. Montecito Commission recommendation.** After a hearing, the Montecito Commission shall make its recommendation in writing to the Board. The recommendation shall include the Montecito Commission's findings and determination and reasons for the determination, as to whether the Development Agreement proposed:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan and any applicable Specific Plan.
2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.
3. Contains provisions for periodic review pursuant to Government Code Section 65854.1
4. Complies Government Code Section 65865.2 as may be amended from time to time which states:
 - a. The Development Agreement shall specify the following:
 - (1) The duration of the Agreement;
 - (2) The permitted uses of the property;
 - (3) The density or intensity of use;
 - (4) The maximum height and size of proposed buildings; and
 - (5) Provisions for reservation or dedication of land for public purposes;
 - b. The Development Agreement may include the following:
 - (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;
 - (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or
 - (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

B. Decision by the Board.

1. **Board's decision.** After the Board completes its public hearing, it may approve, conditionally approve, or deny the Development Agreement.

2. **Referral to the Montecito Commission.** The Board may, but need not, refer matters not previously considered by the Montecito Commission during its hearing back to the Montecito Commission for report and recommendation. The Montecito Commission may, but need not, hold a public hearing on matters referred back to it by the Board.
 3. **Required findings.** The Board shall not approve the Development Agreement unless it first makes the findings identified in Subsection A. (Montecito Commission recommendation) above.
- C. **Approval of Development Agreement.** The Board's approval of a Development Agreement shall be by the adoption of an ordinance. The Board may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

35.476.050 - Development Agreement Amendment or Cancellation

- A. **Initiation of amendment or cancellation.** Either party to the Agreement may propose an amendment to or cancellation of an effective Development Agreement, in whole or in part.
- B. **Procedure.** The procedure for proposing and adopting an amendment to, or cancellation in whole or in part of a Development Agreement shall be the same as the procedure for entering into an Agreement as provided by this Chapter, except as otherwise provided in the Development Agreement.

35.476.060 - Recordation

- A. **Time for recordation.** Within 10 days after the County enters into the Development Agreement, the County Clerk shall have the Agreement recorded with the County Recorder.
- B. **Notice of amendment or cancellation.** If the parties to the Agreement or their successors-in-interest amend or cancel the Agreement, or if the County terminates or modifies the Agreement for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the County Clerk shall have notice of the action recorded with the County Recorder.

35.476.070 - Periodic Review

- A. **Review required.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to annual County review, during the full term of the Agreement. Appropriate fees to cover the County's costs to conduct the periodic reviews shall be collected from the applicant.
- B. **Purpose of review.** The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the County.
- C. **Initiation of review.** The applicant shall contact the Director to initiate the required periodic review no later than 60 days before the expiration of each 12 month period after the execution of the Development Agreement.
- D. **Action based on non-compliance.** If, as a result of periodic review the Board finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the Agreement, the Board may, after a noticed public hearing in compliance with Chapter 35.496 (Noticing and Public Hearings) modify or terminate the Agreement.

35.476.080 - Modification or Termination

- A. **Proceedings upon modification or termination.** If, upon a finding made under Subsection 35.476.070.D (Action based on non-compliance) above, the County determines to proceed with modification or termination of the Agreement, the County shall give notice to the property owner of its intention to do so.

The notice shall contain:

1. The time and place of the hearing;
2. A statement as to whether or not and in what respects the County proposes to modify or terminate the Development Agreement;
3. Other information that the County considers necessary to inform the property owner of the nature of the proceeding.

B. Hearing on modification or termination. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The decision of the Board shall be final.

CHAPTER 35.478 - SPECIFIC PLANS

Sections:

- 35.478.010 - Purpose and Intent
- 35.478.020 - Initiation
- 35.478.030 - Contents of Application
- 35.478.040 - Processing of Specific Plans
- 35.478.050 - Findings Required for Approval

35.478.010 - Purpose and Intent

- A. Purpose.** The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Comprehensive Plan, and to provide for a mixture of uses through comprehensive site planning. Specific Plans recognize that one lot or a group of lots which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a single unit to ensure protection of valuable resources and to allow maximum flexibility in site planning.
- B. Intent.** This Section is intended to guide the preparation of Specific Plans in compliance with Government Code Sections 65450 et seq.

35.478.020 - Initiation

- A. Coastal Zone.** Within the Coastal Zone, a Specific Plan may only be initiated in the following manner:
 - 1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.
 - 2. Resolution of intention by the Board.
 - 3. Resolution of intention by the Montecito Commission.
 - 4. The Director.
- B. Inland area.** Within the Inland area, a Specific Plan shall be initiated in compliance with Government Code Section 65450 et seq.

35.478.030 - Contents of Application

If initiated by a property owner or authorized agent, an application for a Specific Plan shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

35.478.040 - Processing of Specific Plans

- A. Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- B. Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Montecito Commission.
- C. Public hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

D. Transmittal of the Montecito Commission's recommendation to the Board.

1. The Montecito Commission's recommendation on the Specific Plan and proposed Coastal Land Use Plan Amendment, if applicable, shall be transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.
2. The resolution shall be accompanied by a statement of the Montecito Commission's reasons for the recommendation.

E. Board public hearing required. The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the Board's hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

F. Site development plan required. A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Montecito Commission.

G. Zoning consistency with Specific Plan required. At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.

H. Referral of changes or additions to the Montecito Commission. The Board shall not make any change or addition to any proposed Specific Plan recommended by the Montecito Commission until the proposed change or addition has been referred back to the Montecito Commission for a report and a copy of the report has been filed with the Board. Failure of the Montecito Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Montecito Commission to hold a public hearing on the proposed change or addition.

I. For sites located within the Coastal Zone. For those lots which require preparation of a Specific Plan in compliance with the Coastal Land Use Plan, a Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by the Board as an Amendment to the Local Coastal Program after consideration at public hearings and a recommendation by the Montecito Commission

J. Final Development Plan required. No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a Coastal Development Permit or Land Use Permit until a Final Development Plan, as required under the applicable zone, has been approved in compliance with Section 35.472.080 (Development Plans).

K. Action by the Board. The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.

L. Amendments to Specific Plan. Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.

35.478.050 - Findings Required for Approval

A Specific Plan shall be adopted only if all of the following findings are first made:

- A. The Specific Plan is in conformance with and will implement all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the plan.

Specific Plans

35.478.050

- B. The Specific Plan meets all of the applicable development standards included within the Montecito Community Plan.
- C. The Specific Plan will not adversely impact existing recreational facilities and uses.
- D. The Specific Plan will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood.
- E. The Specific Plan will not adversely affect necessary community services (e.g., fire and police protection, sewage disposal, traffic circulation, and water supply).

DIVISION 35.8

Reserved

DIVISION 35.9

Montecito Land Use and Development Code Administration

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CHAPTER 35.490 - ADMINISTRATIVE RESPONSIBILITY

Sections:

- 35.490.010 - Purpose and Intent
- 35.490.020 - Planning Agency Defined
- 35.490.030 - Board
- 35.490.040 - Montecito Commission
- 35.490.050 - Director
- 35.490.060 - Montecito Board of Architectural Review

35.490.010 - Purpose and Intent

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Montecito Commission, Director, Montecito Board of Architectural Review, Department, and County staff in the administration of this Development Code.

35.490.020 - Planning Agency Defined

As provided by Article V of Chapter 2 of the County Code, pursuant to the provisions of Section 65100 of the California Government Code, the Montecito Planning Commission is designated to be the Planning Agency for the unincorporated portion of the County located within the Montecito Planning area as designated by the Montecito Community Plan, with the powers and duties described in Section 35.490.040 (Montecito Commission) below.

35.490.030 - Board

The Board of Supervisors denoted as “Board” within this Development Code shall perform the duties and functions prescribed in this Development Code, which include the following:

- A. Review authority on specified planning matters.** Final decisions on Comprehensive Plan Amendments, Development Agreements, Development Code Amendments, Specific Plans and Amendments, Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process; and
- B. Appeals.** The review of appeals filed from Montecito Commission decisions.

The above listed functions shall be performed in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.040 - Montecito Commission

- A. Appointment.** The Montecito Commission shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. Duties and authority.** The Montecito Commission shall perform the duties and functions prescribed by State law and this Development Code, including the following:
 - 1. The review and approval, conditional approval or denial of development projects under the jurisdiction of the Montecito Commission as described in Table 7-1 (Review Authority); and
 - 2. The making of recommendations to the Board for final decisions on Comprehensive Plan Amendments, Local Coastal Program Amendments (where the property affected by such initiation, consideration or recommendation is located solely within the Montecito Community Plan Area), Development Agreements, Development Code Amendments, Specific Plans and amendments,

Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process within the Montecito Community Plan Area.

3. The Montecito Commission may make a recommendation for action on Comprehensive Plan amendments and Local Coastal Program Amendments to the County Planning Commission where the property affected by such initiation, consideration, or recommendation is not solely located within the Montecito Community Plan Area.

The above listed functions shall be performed in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), and the California Environmental Quality Act.

35.490.050 - Director

- A. **Appointment.** The Director shall be appointed by the County Chief Executive Officer.
- B. **Duties and authority.** The Director shall:
 1. Have the responsibility to perform all of the functions designated by State law;
 2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Section 35.470.020 (Authority for Land Use and Zoning Decisions), Table 7-1 (Review Authority), State law (Government Code Section 65901 et seq.), and the California Environmental Quality Act;
 3. Perform other responsibilities assigned by the Board and the Montecito Commission and;
 4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- C. **Responsibility of the Director.** Wherever this Development Code makes reference to "staff" it is expressly understood that staff is acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission or the Board.

35.490.060 - Montecito Board of Architectural Review

- A. **Appointment.** The Montecito Board of Architectural Review shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. **Duties and authority.** The Montecito Board of Architectural Review shall review all applicable project proposals in compliance with Section 35.472.070 (Design Review) and shall report their findings to the applicable review authority.

CHAPTER 35.491 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 35.491.010 - Purpose and Intent
- 35.491.020 - Nonconforming Uses of Land and Structures
- 35.491.030 - Nonconforming Structures
- 35.491.040 - Construction in Progress
- 35.491.050 - Termination of Nonconforming Uses
- 35.491.060 - Unpermitted Expansion of Nonconforming Uses
- 35.491.070 - Termination Procedures
- 35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

35.491.010 - Purpose and Intent

- A. Purpose.** This Chapter establishes uniform provisions for the regulation of nonconforming lots, structures, and uses of land and structures that were lawful before the adoption, amendment, or revision of this Development Code, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.
- B. Intent.**
1. It is the intent of this Development Code, with limited specified exceptions, to:
 - a. Discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions outlined in this Chapter.
 - b. Prevent nonconforming uses and structures from being enlarged, expanded, or extended, or being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located.
 2. Generally, this Chapter is intended to be administered in a manner which encourages the eventual abatement of these nonconformities.

35.491.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. **Allowed enlargements, extensions, moving, reconstruction, or structural alterations.** Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.
 - a. **Seismic retrofits allowed.** Seismic retrofitting as defined in Division 35.10 (Glossary), in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **Rehabilitation of dwellings.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in

compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.

- c. **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
- d. **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
- e. **Commercial structures, Inland area.** Within the Inland area, commercial structures that are nonconforming as to floor area ratio may not be enlarged or extended. However, such structures may be structurally altered provided that the alteration occurs within the interior of the structure and does not increase its floor area.

- 2. **Accessory to a conforming use.** No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

- 1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
- 2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
- 3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

- a. **Damage 75 percent or more.** If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations of the zone in which it is located, unless allowed to continue by the Montecito Commission, in compliance with Section 35.472.100 (Hardship

F. Limited exceptions for certain nonconforming residential uses. Existing structures devoted to a

nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered, subject to the following criteria:

1. The site is within a zone which allows residential use as an allowed use requiring only a Coastal Development Permit or a Land Use Permit.
2. On any lot, only one existing structure devoted to a nonconforming residential use may be enlarged, extended, moved, reconstructed, and/or structurally altered.
3. No enlargements shall result in a structure devoted to a nonconforming residential use that exceeds 1,200 square feet of gross floor area and no enlargements shall be allowed to any structure which has a current legal nonconforming residential gross floor area of 1,200 square feet or more.
4. No enlargement, extension, reconstruction, relocation, or structural alteration shall exceed the height of, or protrude higher than, the highest point of, the existing structure.
5. The structure shall comply with all applicable building, electrical, fire, mechanical, and plumbing codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (e.g., septic) system, as determined to the satisfaction of the County Public Health Department.
6. Any enlargement, extension, reconstruction, relocation, or structural alteration shall comply with all height, lot coverage, parking, setback, and other requirements of the zone in which the structure is located.

G. Parking. If a use is nonconforming solely with respect to existing parking standards, the structure devoted to the use may be altered but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces in compliance with Chapter 35.436 (Parking and Loading Standards) unless:

1. The use is brought into compliance with the requirements of Chapter 35.436 (Parking and Loading Standards); or
2. A modification to the parking requirements has been approved.

35.491.030 - Nonconforming Structures

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

A. Structural change, expansion, or extension.

1. **Enlargements or extensions allowed in limited circumstances.** Except as listed below or otherwise provided in this Development Code, a nonconforming structure may not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
 - a. **Seismic retrofits allowed.** Seismic retrofits as defined in Division 35.10 (Glossary) and in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.

- c. **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
 - 2. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.
 - B. **Damage.** This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.
 - 1. **Coastal Zone.**
 - a. **One-family dwellings.** Nonconforming one-family dwellings that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size in the same general footprint location.
 - b. **Structures other than one-family dwellings.**
 - (1) **Damage 75 percent or more.** A nonconforming structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may not be reconstructed unless allowed by the Montecito Commission, in compliance with Section 35.472.100 (Hardship Determinations).
 - (2) **Damage less than 75 percent.** Where a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure may be reconstructed to the same or lesser size in the same general footprint location.
 - 2. **Inland area.** Nonconforming structures that are damaged or destroyed by earthquake, fire, flood, or other natural disaster may be reconstructed to the same or lesser size in the same general footprint location.
 - 3. **Hotel reconstruction.** Any portion of an existing hotel that is damage or destroyed may be replaced with new construction of the identical size of that damaged or destroyed on the same site and in the same general location.
 - 4. **Reconstruction shall commence within 24 months.**
 - a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure allowed in compliance with Subsection B. (Damage) above shall commence within 24 months of the time of damage and be diligently carried out to completion.
 - b. The 24-month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of the reasons for the request, is filed with the Department before the expiration of the 24-month period.

- c. If the reconstruction or restoration of the structure does not commence within 24 months, or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

5. Applicability of permit requirements.

- a. **Exempt from Development Code permit requirements.** The restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director. Full compliance with applicable Building Code provisions is still required.
- b. **Design Review required.** If the Department determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of Section 35.472.070 (Design Review).
- c. **Subject to Development Code permit requirements.** If the structure is proposed to be altered from the original specifications, as determined by the Department, the restoration shall be subject to all applicable permit requirements of this Development Code.

35.491.040 - Construction in Progress

- A. **Chapter shall not require changes.** To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun before the effective date of adoption or any amendment of this Development Code rendering the structure or its use nonconforming and upon which actual construction has been carried on diligently.
- B. **Construction defined.** Actual construction is defined to mean the placing of construction materials in permanent position and fastened in a permanent manner.

35.491.050 - Termination of Nonconforming Uses

In addition to the provisions for termination of certain nonconforming uses contained elsewhere in this Chapter, any nonconforming use or uses of either land or structures or both may be ordered terminated by the Board, after a public hearing, as provided in Section 35.491.070 (Termination Procedures) below, if one or more of the three following conditions is found to apply to any nonconforming use.

- A. **Improvements can be used only for those uses allowed in the zone.** The condition of the improvements, if any, on the property exist in a manner that to require the property to be used only for those uses allowed in the zone where it is located would not impair the constitutional rights of any person;
- B. **Improvements can be altered to be used with those uses allowed in the zone.** The nature of the improvements exist in a manner that they can be altered so as to be used in conformity with the uses allowed in the zone in which the property is located without impairing the constitutional rights of any person; or
- C. **Use is detrimental or a public nuisance.** Except in the case of a dedicated cemetery, the nonconforming use is detrimental to the public health or safety or is a public nuisance.

35.491.060 - Unpermitted Expansion of Nonconforming Uses

After a public hearing, as provided in Section 35.491.070 (Termination Procedures) below, any expansion of or

change in a nonconforming use of structures or land, or both, not expressly allowed under and strictly in compliance with the provisions of this Development Code and especially this Chapter, nor required by law, may be ordered terminated by the Board.

35.491.070 - Termination Procedures

A. Procedures for termination of nonconforming uses. All nonconforming uses to be terminated under the provisions of this Chapter may be ordered terminated by the Board in compliance with the following procedures.

1. Upon recommendation of the Montecito Commission, or upon petition by a person affected by a nonconforming use of structures or land or both, or on its own initiative, the Board may set a date for, and call for a public hearing to determine whether or not a nonconforming use of land or structures, or both, or an unpermitted expansion of or change in the use, should be ordered terminated.
2. Fifteen days notice of the hearing shall be given by publication once in a newspaper of general circulation within the County or in the area where the affected property is located, and by service upon the owner of the land and upon the person operating or maintaining the nonconforming use, if not the owner.
3. Service of the notice shall be either personal or by mail addressed to the last known address of the person to be served.
4. The notice shall specify the date, time, and place of the hearing and shall specify the grounds on which the nonconforming use or changes or expansion of the use is sought to be terminated.

B. Hearing procedures.

1. All hearings held in compliance with this Section by the Board shall be open to the general public, be presided over by the Chairperson, vice-chairperson, or acting chairperson of the Board, and the proceedings shall be recorded by an electronic recording device.
2. The owner, the party maintaining the nonconforming use, the Board, and all other interested persons may be represented by attorneys of their own choosing, may submit written and oral evidence; provided, oral evidence shall be taken only on oath or affirmation, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the witness.
3. If the person maintaining the nonconforming use does not testify in their own behalf they may be called and examined as if under cross-examination.

C. Rules of evidence. The hearing need not be conducted in compliance with technical rules relating to evidence and witnesses.

1. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts.
2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts.

3. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

D. Board's action on the termination, change, or expansion of use.

1. The Board shall render its decision in writing, containing findings of fact, within 30 days after the date on which the public hearing was completed and closed.
2. It shall deliver copies by mail or personally to the parties concerned in the hearing.
3. Failure to render the decision within 30 days, or any extension thereof stipulated to by the parties, shall be deemed to permit the continuance of the nonconforming use or the change or expansion thereof, which was the subject of the hearing.
4. The decision shall, if it ordered the nonconforming use, or change or expansion thereof terminated, specify the time within which the person maintaining the nonconforming use or change or expansion thereof, shall terminate, as the Board deems reasonable and proper under the circumstances.

E. Hearings may be continued. The hearings may be continued from time to time by the Board.

F. Judicial review. Judicial review of any order of the Board made in compliance with this Section may be had by filing a petition for a writ of mandate in compliance with the provisions of the California Code of Civil Procedure.

G. Failure to comply with order of termination. Any non-compliance with an order of termination of the Board made in compliance with this Section, as well as any continuance of any nonconforming use beyond the expressed period of time identified in this Section shall be deemed a violation of the terms of this Development Code.

35.491.080 - Nonconforming Due to Lack of a Discretionary Permit

- A. Conformity of uses requiring a discretionary permit.** A use lawfully existing without the approval of a discretionary permit that would be required by this Development Code, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation).
- B. Previous permits in effect.** A use that was authorized by a discretionary permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the discretionary permit.

CHAPTER 35.492 - APPEALS

Sections:

- 35.492.010 - Purpose and Intent
- 35.492.020 - General Appeal Procedures
- 35.492.030 - Appeals to the Chair of the Montecito Commission - Inland Area
- 35.492.040 - Appeals to the Montecito Commission
- 35.492.050 - Appeals to the Board
- 35.492.060 - Appeals to the Coastal Commission

35.492.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for the acceptance and processing of appeals to the Board and the Montecito Commission and to list the criteria for those developments that may be appealed to the Coastal Commission.

35.492.020 - General Appeal Procedures

A. Who may appeal. An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

- 1. Appeals by members of the Coastal Commission.** Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:
 - a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D (Decisions appealed to the Coastal Commission) below.
 - b. The final approval of projects under the jurisdiction of the Director or Montecito Commission.
 - c. Decisions of the Montecito Board of Architectural Review.

B. Timing and form of appeal.

- 1. Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.**
 - a. Filing of the appeal.** An appeal, which shall be in writing, and accompanying fee, of a decision of the Montecito Board of Architectural Review, Director, or Montecito Commission, shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Development Code.
 - b. Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in

compliance with this Chapter, including scheduling the matter before the applicable review authority.

2. **Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

C. Requirements for contents of an appeal.

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and their interest in the decision;
 - b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
 - c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law;
 - d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.
2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:
 - a. **Appeals regarding a previously approved discretionary permit.** If the approval of a Coastal Development Permit or Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:
 - (1) How the Coastal Development Permit or Land Use Permit is inconsistent with the previously approved discretionary permit; or
 - (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Coastal Development Permit or Land Use Permit have not been completed; or
 - (3) How the approval is inconsistent with Chapter 35.496 (Noticing and Public Hearings).
 - b. **Appeals regarding residential second units.**
 - (1) **Coastal Zone.** The grounds for an appeal of the approval or conditional approval of a Coastal Development Permit or Land Use Permit for a residential second unit in compliance with Section 35.442.160 (Residential Second Units) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code. If the approval or conditional approval of a Coastal Development Permit or Land Use Permit for a residential second unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with the applicable provisions and policies of the Coastal Land Use Plan

and the provisions of this Development Code.

- (2) **Inland Area.** The grounds for an appeal of the approval or conditional approval of a Land Use Permit for a residential second unit in compliance with Section 35.442.160 (Residential Second Units) shall be limited to whether the approved or conditionally approved project is in compliance with development standards for residential second units provided in Subsection 35.442.160.F (Development standards). If the approval or conditional approval of a Land Use Permit for a residential second unit is appealed, the appellant shall identify how the approved or conditionally approved project is not in compliance with development standards for residential second units provided in Subsection 35.442.160.F (Development standards).

- c. **Appeals of final decision of the Montecito Board of Architectural Review.** A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.
- D. **Acceptance of appeal.** An appeal shall not be accepted by the Director unless it is complete and complies with all requirements of Subsection 35.492.020.C (Requirements for contents of an appeal) above. This decision of the Director is final and not subject to appeal.
- E. **Appeal fees.** The appellant shall pay the required filing fee in compliance with the Board's Fee Resolution, at the time of the filing of the appeal.
1. **No fee for developments appealable to the Coastal Commission.** An appeal fee is not required for developments which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D (Decisions appealed to the Coastal Commission).
- F. **Effect of filing of an appeal.** The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Development Code until a final action has occurred on the appeal, or unless otherwise indicated in this Development Code.
- G. **Public hearing required.** The review authority shall consider all appeals in a noticed public hearing. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Notice shall be mailed to the appellant and the applicant, if different than the appellant.
- H. **Special processing requirements.** The following requirements apply to applications for Coastal Development Permits, Land Use Permits, and Zoning Clearances for projects that also require review by the Montecito Board of Architectural Review:
1. **Projects requiring Coastal Development Permits or Land Use Permits.**
- a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but before the issuance of the Coastal Development Permit or Land Use Permit for the project.
- b. If a preliminary approval by the Montecito Board of Architectural Review is appealed, and

the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Montecito Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.

- c. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Montecito Board of Architectural Review before any decision on the Coastal Development Permit or Land Use Permit.

2. **Projects requiring Zoning Clearances.**

- a. If a preliminary approval by the Montecito Board of Architectural Review is appealed, then final action on the appeal shall occur before the issuance of the Zoning Clearance for the project.
- b. If a decision of the Montecito Board of Architectural Review to deny preliminary or final approval is appealed, then final action on the appeal shall occur before the decision on the Zoning Clearance.

35.492.030 - Appeals to the Chair of the Montecito Commission - Inland area

- A. **Decisions appealed to the Chair of the Montecito Commission.** Within the Inland area, any decision by the Director to approve, conditionally approve, or deny an application for a Land Use Permit for a temporary use in compliance with Section 35.442.180 (Temporary Uses and Trailers) not including Subsection 35.442.180.G (Trailer Use) may be appealed to the Chair of the Montecito Commission or designee.
- B. **Hearing required.** The chair of the Montecito Commission or designee shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence.
- C. **Notice required.** Notice of the date, time and location of the hearing shall be provided to the applicant, the appellant, and any interested person who has filed a written request for notice with the Department.
- D. **Action on appeal.** The Chair of the Montecito Commission or designee shall affirm, reverse, or modify the decision of the Director as soon as practicable following the filing of the appeal and in no case later than the time the temporary use is scheduled to commence. The action of the Chair of the Montecito Commission or designee is final and not subject to appeal.

35.492.040 - Appeals to the Montecito Commission

- A. **Decisions appealed to the Montecito Commission.** The following decisions may be appealed to the Montecito Commission provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E above.
 - 1. **Montecito Board of Architectural Review decisions.** The following decisions of the Montecito Board of Architectural Review may be appealed to the Montecito Commission:
 - a. Any decision of the Montecito Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Montecito Board of Architectural Review to grant or deny final approval in compliance with Subsection 35.492.020.C.2.c (Appeals of final decision of the Montecito Board of Architectural Review) above.
 - 2. **Director decisions.** The following decisions of the Director may be appealed to the Montecito

Commission:

- a. Any determination on the meaning or applicability of the provisions of this Development Code.
- b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
- c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
- d. Any decision of the Director to approve, conditionally approve or deny an application for a Coastal Development Permit or Land Use Permit except as follows:
 - (1) Land Use Permits approved in compliance with [Section 35.442.180 \(Temporary Uses and Trailers\)](#) not including Subsection 35.442.180.G (Trailer Use).
- e. Any decision of the Director to revoke an issued Zoning Clearance.
- f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.
- g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated review authority.
- h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Montecito Commission. The Department shall transmit to the Montecito Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Montecito Board of Architectural Review or Director before the hearing on an appeal.

C. Scope of appeal hearings. The hearings on the appeal shall be de novo.

D. Action on appeal. The Montecito Commission shall affirm, reverse, or modify the decision of the Montecito Board of Architectural Review or Director.

35.492.050 - Appeals to the Board

A. Decisions appealed to the Board. The following decisions of the Montecito Commission may be appealed to the Board provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E above.

- 1. Any final action on decisions that are appealed to the Montecito Commission in compliance with Section 35.492.040 (Appeals to the Montecito Commission), above.
- 2. Any final action on decisions of the Montecito Commission to approve, conditionally approve, or deny an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Montecito Commission is the designated review authority.
- 3. Any other action, decision, or determination made by the Montecito Commission as authorized by this Development Code where the Montecito Commission is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Board. The Department shall transmit to the Board copies of the permit application

including all maps and data and a statement identifying the reasons for the decision by the Montecito Commission before the hearing on an appeal.

- C. Scope of appeal hearings.** The hearings on the appeal shall be de novo.
- D. Action on appeal.** The Board shall affirm, reverse, or modify the decision of the Montecito Commission. The decision of the Board shall be final.

35.492.060 - Appeals to the Coastal Commission

- A. Coastal Commission jurisdiction.** For developments which are defined as appealable development in compliance with State law (Public Resources Code Section 30603), an action by the County may be appealed to the Coastal Commission within the 10 working days immediately following the date of receipt by the Coastal Commission of the County's Notice of Final Action by the applicant, an aggrieved person or any two members of the Coastal Commission. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.
- B. Filing of the appeal.** Appeals shall be in writing and filed with the appropriate Coastal Commission district office.
- C. Exhaustion of local appeals.** An appeal filed in compliance with this Section may not be filed with the Coastal Commission by the applicant or an aggrieved person until all local appeals on the project permit have been exhausted.
- D. Decisions appealed to the Coastal Commission.** In compliance with State law (Public Resources Code Section 30603(a)), an action taken by the County on a permit application for any of the following may be appealed to the Coastal Commission.
1. Developments approved by the County and located between the sea and the first public road paralleling the sea or 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 the greater distance, as indicated on the official County appeals zone maps.
 2. Developments approved by the County not included within Subsection D.1 above located on public trust lands, submerged lands, tidelands, within 100 feet of any estuary, stream, wetland, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.
 3. Developments approved by the County that require a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits). The approval of a Coastal Development Permit on a conditionally allowed use is also appealable to the Coastal Commission.
 4. Coastal Development Permits required to allow developments approved by the County that require:
 - a. A Conditional Use Permit.
 - b. A Final Development Plan for appealable development.
 5. Developments approved by the County that require a Conditional Certificate of Compliance.
 6. Coastal Development Permits for Residential Second Units approved in compliance with Section 35.442.160 (Residential Second Units),
 7. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in State law (Public

Resources Code Section 30603(a)(5)) and this Development Code shall mean any proposed public works project or energy facility exceeding \$50,000.00 in estimated cost of construction.

E. Grounds for appeal.

1. The grounds of appeal for any development appealable under Subsection D.1 above shall be limited to one or more of the following.
 - a. The development fails to provide adequate physical access or public or private commercial use or interferes with the uses.
 - b. The development fails to protect public views from any road or from a recreation area to, and along, the coast.
 - c. The development is incompatible with the established physical scale of the area.
 - d. The development may significantly alter existing natural landforms.
 - e. The development does not comply with shoreline erosion and geologic setback requirements.
 - f. The development is not in compliance with the Local Coastal Program.
2. The grounds of appeal for any development appealable under Subsection D.2 through Subsection D.4 above, shall be limited to whether the development is in compliance with the Local Coastal Program.

CHAPTER 35.494 - AMENDMENTS

Sections:

- 35.494.010 - Purpose and Intent
- 35.494.020 - Applicability
- 35.494.030 - Initiation of Amendment
- 35.494.040 - Processing of Amendment
- 35.494.050 - Action on Amendment
- 35.494.060 - Findings Required for Approval of Amendment
- 35.494.070 - Effective Dates
- 35.494.080 - Certification of Local Coastal Program Amendments
- 35.494.090 - Rezoning Requirements for Specific Zones

35.494.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for changing the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development, to provide for text Amendments to this Development Code, as the County may deem reasonable, necessary, or desirable and to provide for Amendments to any ordinances, resolutions, or implementation programs carrying out the provisions of the Local Coastal Program. The intent of this Chapter is to provide the mechanism consistent with Government Code Section 65000 et seq. and the Coastal Act, for amending this Development Code and the certified Local Coastal Program.

35.494.020 - Applicability

- A. Development Code.** A Development Code Amendment may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development within the County.
- B. Local Coastal Program.** A Local Coastal Program Amendment may include revisions to text or maps.
- C. Zoning Map.** A Zoning Map Amendment has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.
- D. Compliance with Chapter.** All Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

35.494.030 - Initiation of Amendment

An Amendment may only be initiated in the following manner:

- A. Board.** By a resolution of intention by the Board;
- B. Montecito Commission.** By a resolution of intention by the Montecito Commission;
- C. Director.** By the Director; or
- D. Applicant.** By an application by an authorized applicant as follows:
 - 1. Local Coastal Program Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.
 - 2. Development Code Amendment.**
 - a. Coastal Zone.** An application to amend the text of the Development Code in a manner

which will affect land within the Coastal Zone may be made by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.

- b. **Inland area.** An application to amend the text of the Development Code in a manner which will not have any affect on land within the Coastal Zone may be made by any person with a substantial interest in the proposed Amendment.
- 3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

35.494.040 - Processing of Amendment

- A. **Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code or the adopted Comprehensive Plan or Local Coastal Program, as applicable, shall be accompanied by an application to make the project consistent.
- B. **Department may refuse to accept inconsistent applications.** The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan or Local Coastal Program, as applicable.
- C. **Contents of application.** If initiated by a person other than the Board, Montecito Commission, or Director, an Amendment application shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
- D. **Application shall include a Preliminary Development Plan.**
 - 1. Unless the Montecito Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require submittal of a Preliminary Development Plan in compliance with Section 35.494.090 (Rezoning Requirements for Specific Zones) below.

DR (Design Residential)

PRD (Planned Residential Development)

CN (neighborhood Commercial)

CV (Resort/Visitor Serving Commercial)

PU (Public Utilities)

REC (Recreation)
- E. **Environmental Review required.** The Department shall process the application in compliance with the California Environmental Quality Act.
- F. **Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed Zoning Map Amendment site and under the new zone the conditionally permitted use would become an permitted use, the Conditional Use Permit conditions of approval shall remain valid and in force, unless altered or deleted in compliance with Section 35.472.060 (Conditional Use Permits).

35.494.050 - Action on Amendment**A. Montecito Commission's recommendation.**

1. **Montecito Commission hearing required.** The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
2. **Montecito Commission's recommendation for all Amendments.** The Montecito Commission's recommendation shall be transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of a majority of its total voting members.
3. **Montecito Commission's recommendation for denial of Zoning Map Amendment.** If the Montecito Commission recommends denial of a Zoning Map Amendment, the Board shall not be required to hold a public hearing or take any further action on the matter unless within 10 days after the Montecito Commission's decision, the applicant or any other interested person files a written request for the hearing with the Clerk of the Board.
4. **Recommendation shall include reasons with findings.** The Montecito Commission's recommendation shall include the reasons for the recommendation in compliance with the findings identified in Section 35.494.060 (Findings Required for Approval of Amendment) below.

B. Board hearing required.

1. Following the Montecito Commission's recommendation for approval or where a public hearing has been requested in compliance with Subsection A.3 (Montecito Commission's recommendation for denial of Zoning Map Amendment) above, the Board shall hold at least one noticed public hearing on the proposed Amendment.
2. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).

C. Board's action on the proposed Amendment.

1. The Board may approve, modify, or deny the recommendation of the Montecito Commission in compliance with the findings identified in Section 35.494.060 (Findings Required for Approval of Amendment) below.
2. Any modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during its hearing, shall first be referred back to the Montecito Commission for report and recommendation.
3. The Montecito Commission shall not be required to hold a public hearing on the referral.
4. Failure of the Montecito Commission to report to the Board within 40 days after the initial referral, or a longer period designated by the Board, shall be deemed to be approval of the proposed modification.

D. Compliance with Measure A96 required.

1. **Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code, Local Coastal Program, or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the

South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with Appendix B (Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative)..

2. **Measure A96 to terminate in 2021.** This voter approval requirements included in this Development Code in compliance with the Measure A96 voter approval initiative, which was passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

35.494.060 - Findings Required for Approval of Amendment

An Amendment to the Development Code, Local Coastal Program or Zoning Map may be approved only if all of the following findings are made, as applicable to the type of Amendment.

A. Findings for Development Code, Local Coastal Program and Zoning Map Amendments.

1. The request is in the interest of the general community welfare.
2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.
3. The request is consistent with good zoning and planning practice.

35.494.070 - Effective Dates

- A. **Development Code or Zoning Map.** A Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance by the Board.
- B. **Local Coastal Program.** An Amendment to the certified Local Coastal Program shall become effective in compliance with Section 35.494.080 (Certification of Local Coastal Program Amendments), below.

35.494.080 - Certification of Local Coastal Program Amendments

- A. **Compliance with Coastal Act required.** Any approval by the County of a proposed Amendment to the County's certified Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board in compliance with Sections 30512 and 30513 of the Coastal Act, as it may be amended from time to time.
- B. **Certification by Coastal Commission required.** Any proposed Amendment to the certified Local Coastal Program shall not take effect until the amendment has been certified by the Coastal Commission.

35.494.090 - Rezoning Requirements for Specific Zones

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

A. AH overlay.

1. **Limitation on rezones.** The AH overlay may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay shall include designation of the maximum density allowed on the site by the overlay.

3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Montecito Commission and Board first make all of the following findings in addition to those required in compliance with Section 35.494.060 (Findings Required for Approval of Amendment) above:
 - a. In the Inland area, the site is located within an Urban area as designated on the Comprehensive Plan maps. In the Coastal Zone, the site is subject to the Affordable Housing Land Use Designation overlay or such designation is currently being processed.
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).
 - c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
 - d. The site is served by a municipal sanitary district.
 - e. The site is of adequate size and shape to allow the reasonable development of housing.
 - f. The site is near major travel corridors or services.
 - g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
 - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
 - i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.
- B. **DR, CN, CV and PU zones.** An application for a rezoning to the DR, CN CV, and PU zones shall include a Preliminary Development Plan or Final Development Plan in compliance with Section 35.472.080 (Development Plans) unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- C. **PRD zone.** An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with Section 35.472.080 (Development Plans), unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
 1. **Minimum site area.**
 - a. **Coastal Zone.** Within the Coastal Zone, a site shall be a minimum of 20 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.
 - b. **Inland area.** Within the Inland area, a site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.
 2. **Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Montecito Commission and Board first make all the following findings:
 - a. That the property is of the type and character which is appropriate for a Planned Residential

Development in accordance with the specific purpose and intent stated within Subsection 35.423.020.D (PRD (Planned Residential Development) zone).

- b. That the property is within an Urban area as designated on the Comprehensive Plan maps.
- c. That the overall estimated population density which will result upon full development of the property under the Planned Residential Development zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
- d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.

D. REC Zone. An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) which shall include all of the site area, unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

- 1. **Minimum site area.** Rezoning to apply the REC zone shall require that the site be a minimum of one acre.
- 2. **Findings required for rezoning.** Except for existing public or private outdoor recreational areas as designated on the Comprehensive Plan Maps, the approval of a rezoning to apply the REC zone to property shall require that the Montecito Commission and Board first make all the following findings:
 - a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources.
 - b. The proposed development will conform with all applicable policies in the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.
 - c. The proposed recreational activities will be compatible with land uses on adjacent lots.
 - d. Within the Coastal Zone the following additional findings are required.
 - (1) The level of facility development is in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreation activities are of the kind, intensity, and location to ensure protection of habitat resources.
 - (2) Coastal dependant and coastal related recreational uses are given propriety.
 - (3) If the proposed site is adjacent to the beach, adequate public access to and along the beach is provided.

CHAPTER 35.496 - NOTICING AND PUBLIC HEARINGS

Sections:

- 35.496.010 - Purpose and Intent
- 35.496.020 - Notice of Public Hearing and Review Authority Action
- 35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone
- 35.496.040 - Notice of Final Action Appealable to the Coastal Commission
- 35.496.050 - Land Use Permits - Inland Area
- 35.496.060 - Design Review
- 35.496.070 - Emergency Permits
- 35.496.080 - Contents of Notice
- 35.496.090 - Failure to Receive Notice
- 35.496.100 - Hearing Procedure

35.496.010 - Purpose and Intent

This Chapter establishes the minimum requirements for providing notice of a public hearing and other required noticing, and public hearing provisions and procedures.

35.496.020 - Notice of Public Hearing and Review Authority Action

- A. Minimum requirements.** Except for decisions on Coastal Development Permits subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan), Land Use Permits, applications for Design Review (see Subsection 35.496.030.A (Minimum requirements for permit not following a discretionary action), Sections 35.496.050 (Land Use Permits - Inland Area) and 35.496.060 (Design Review) below, for respective noticing requirements), and Zoning Clearances, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.
- 1. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - 2. Mailed notice.** Notice shall be mailed at least 10 days before the scheduled hearing or action to:
 - a. Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
 - b. The applicant;
 - c. The owner of the subject lot, if different from the applicant; and
 - d. Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - e. Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.444 (Telecommunications Facilities). The names and addresses used for the notice shall be those

shown on the equalized County assessment roll, as updated from time to time.

- f. Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
- g. Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.

3. Additional requirements for sites within the Coastal Zone. Within the Coastal Zone, in addition to the notice required by Subsections A.1 and A.2 above, notice of a public hearing or action on a site located within the Coastal Zone shall also be mailed at least 10 days before the scheduled hearing or action to:

- a. All residents located within a 100 foot radius of the exterior boundaries of the subject lot; and
- b. The Coastal Commission.

B. Optional notice to more than 1,000 owners of property. If the number of owners and residents to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.

C. Contents of notice. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.030 - Coastal Development Permits and Land Use Permits within the Coastal Zone

A. Minimum requirements for permit not following a discretionary action. Notice of the application and pending action on a Coastal Development Permit subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan) or a Land Use Permit for property located with the Coastal Zone, not following a previous discretionary action, shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - b. The notice shall also be mailed to any person who has filed a written request therefore and

has supplied the Department with self-addressed stamped envelopes.

- c. The notice shall be posted or mailed no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed or posted less than:
 - (1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review, or;
 - (2) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.
- d. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection 1.c. above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- a. Mailed notice shall be provided to:
 - (1) All residents and owners of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - (2) The Coastal Commission.
- b. Mailed notice of applications for Coastal Development Permits and Land Use Permits, not including those that follow a discretionary action, shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
 - (1) Development that requires Design Review in compliance with Section 35.472.070 (Design Review);
 - (2) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling;
 - (3) A new accessory structure in excess of 120 square feet of gross floor area or where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet;
 - (4) A change in the allowed use of a structure or a portion of the structure;
 - (5) Home occupations where clients come to the lot where the home occupation is conducted;
 - (6) Residential second units and additions thereto, allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit or Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the Coastal Land Use Plan and the provisions of this Development Code;
 - (7) Large Family Day Care Homes and additions thereto, allowed in compliance with

Section 35.442.070 (Community Care Facilities);

- (8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.442.070 (Community Care Facilities);
 - (9) Commercial telecommunication facilities, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities); and
 - (10) Noncommercial telecommunication facilities allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.
- c. Mailed notice shall be provided to all residents located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Subsection 35.444.010.C.1.
 - d. For all other types of projects that require a Coastal Development Permit or a Land Use Permit and are not included under Subsection 2.b. and Subsection 2.c. above, notice shall be provided in compliance with the following:
 - (1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
 - e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - f. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
 - g. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:
 - (1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or:
 - (2) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.
 - h. The notice shall be required to be continuously posted for a minimum of 17 days from the date required by Subsection 2.g above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
 - i. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.

B. Minimum requirements for permit following a discretionary action. Notice of an application and

pending action or action on a Coastal Development or Land Use Permit following a discretionary action and with the same project description shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:
 - (1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or;
 - (2) 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit
 - d. The notice shall be required to be continuously posted from the date required by Subsection 1.c above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. Mailed notice shall be provided to all residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
 - b. Mailed notice shall be provided to all parties that received notice of the previous discretionary action.
 - c. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
 - d. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - e. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
 - f. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than:
 - (1) 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review or;
 - (2) 10 days before an action by the Director to issue the Coastal Development Permit or Land Use Permit, if Design Review in compliance with Section 35.472.070 (Design Review) is not required.
 - g. The notice shall be required to be continuously posted from the date required by Subsection 2.f. above, until at least 10 days following an action of the Director to approve, conditional

approve, or deny the Coastal Development Permit or Land Use Permit.

- h. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- i. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit or Land Use Permit.

3. **Contents of Notice.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.040 - Notice of Final Action Appealable to the Coastal Commission

- A. **Provision of notice.** For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35.492 (Appeals), a Notice of Final Action of the approval or conditionally approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.
- B. **Notice within five days.** The notice shall be mailed within the five calendar days following the County's final action on the Coastal Development Permit.
- C. **Contents of notice.** The notice shall include the conditions of approval and findings of the Coastal Development Permit, and the procedures for appeal of the County's final action to the Coastal Commission.

35.496.050 - Land Use Permits - Inland Area

- A. **Minimum requirements.** Notice of an application and pending action or action on a Land Use Permit application for property located in the Inland area shall be given in compliance with the following:
 - 1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - c. The notice shall be posted or mailed no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be posted or mailed less than:
 - (1) 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or;
 - (2) 10 days before an action by the Director to issue a Land Use Permit if Design Review in compliance with Section 35.472.070 (Design Review) is not required.
 - d. The notice shall be required to be continuously posted from the date required by Subsection 1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
 - 2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:

- a. Mailed notice of applications for Land Use Permits not including those that follow a previous discretionary action shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
- (1) Development that requires Design Review in compliance with Section 35.472.070 (Design Review).
 - (2) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling.
 - (3) A new accessory structure in excess of 120 square feet of gross floor area or an addition to an existing accessory structure where the gross floor area of the existing accessory structure plus the addition exceeds 120 square feet.
 - (4) A change in the allowed use of a structure or a portion of the structure.
 - (5) Home occupations where clients come to the lot where the home occupation is conducted.
 - (6) Residential second units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units). The notice shall state that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.160.F (Development standards).
 - (7) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35.442.070 (Community Care Facilities).
 - (8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.070 (Community Care Facilities).
 - (9) Commercial telecommunications facilities, and additions thereto, as may be allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities).
 - (10) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35.444.020 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.
- b. Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with [Section 35.444.010.C.1](#).
- c. For all other types of projects that require a Land Use Permit, including applications for Land Use Permits that follow a previous discretionary action, but not including projects that are included under Subsections 2.a. and 2.b. above, notice shall be provided in compliance with the following:
- (1) Mailed notice shall be provided to all property owners abutting the subject lot, including lots that share a property corner with the subject lot. If the subject lot abuts a street, then the lot directly across the street from the subject lot, and the lots on either side of that lot, also shall be provided with mailed notice.

- (2) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
- d. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- e. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- f. Said notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed and posted less than:
 - (1) 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or;
 - (2) 10 days before an action by the Director to issue a Land Use Permit, where Design Review in compliance with Section 35.472.070 (Design Review) is not required.
- g. The notice shall be required to be continuously posted from the date required by Subsection 2.f. above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- h. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of any review by the Montecito Board of Architectural Review or 10 days following an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and/or revocation of the Land Use Permit.

B. Contents of Notice. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

35.496.060 - Design Review

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - b. The notice shall also be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - c. The notice shall be mailed or posted no later than 15 days following the filing of a complete application with the Department, but in no case shall said notice be mailed or posted less than 10 days before the scheduled date of any review by the Montecito Board of Architectural Review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection 1.c., above until at least 10 days following final action by the Montecito Board of Architectural Review.

- e. Notice shall also be given in compliance with the requirements of:
 - (1) The bylaws of the Montecito Board of Architectural Review as approved by the Board.
 - (2) Architectural guidelines that have been adopted by the Board for the Montecito Planning Area.
- 2. **By the applicant.** Notice shall be given by the applicant in compliance with the following if notice is not otherwise provided in compliance with Section 35.496.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) and Section 35.496.050 (Land Use Permits - Inland Area) above:
 - a. Mailed notice of applications for Design Review shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The applicant shall also conspicuously post notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
 - b. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - c. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
 - d. The notice shall be mailed and posted by the applicant no later than 15 days following the filing of a complete application to the Department, but in no case shall said notice be mailed and posted less than 10 days before any review by the Montecito Board of Architectural Review.
 - e. The notice shall be required to be continuously posted from the date required by Subsection 2.d above, until at least 10 days following the final action by the Montecito Board of Architectural Review.
 - f. The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review. Failure of the applicant to comply with this Chapter may result in denial and/or revocation of the Coastal Development Permit, Land Use Permit, or Zoning Clearance.

35.496.070 - Emergency Permits

- A. **Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
 - 1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
 - a. For properties in the Coastal Zone, notice shall also be mailed to all residents within a 100-foot radius of the exterior boundaries of the affected property.
 - 2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3. The Department shall also conspicuously post a notice in three locations on the subject lot.

4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

35.496.080 - Contents of Notice

A. Notice for all projects. The following shall be included in all notices required to be provided in compliance with this Section:

1. The date of filing of the application and the name of the applicant.
2. The Department case number assigned to the application.
3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
4. A description of the project, its location and a statement that the project is located is within the Coastal Zone, if applicable.

B. Notice for projects that require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority.

1. All information required by Subsection A. (Notice for all projects) above.
2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
4. The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.
5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) 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 the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.

C. Notice for projects that do not require a public hearing or discretionary review authority action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority.

1. All information required by Subsection A. (Notice for all projects) above.
2. A general description of the County procedures concerning the review of an application for a Coastal Development Permit or Land Use Permit, including:
 - a. How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - b. How to receive notification of any pending review in compliance with Section 35.472.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit;

- c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit; and
 - d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
3. If applicable, the date of the pending action on the application for the Coastal Development Permit or Land Use Permit, and the date of expiration of the appeal period.
4. If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.

35.496.090 - Failure to Receive Notice

The failure of any person or entity to receive notice given in compliance with this Chapter or in compliance with State law (Government Code Sections 65090-65096) shall not invalidate the actions of the Department or the applicable review authority.

35.496.100 - Hearing Procedure

- A. Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
- B. Hearing may be continued.**
 1. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 2. If an announcement of a continued date, time, and place is not given, notice of further hearings shall be provided in compliance with this Chapter.
- C. Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

CHAPTER 35.498 - ENFORCEMENT AND PENALTIES

Sections:

- 35.498.010 - Purpose and Intent
- 35.498.020 - Investigation
- 35.498.030 - Work Stoppage
- 35.498.040 - Referral for Legal Action
- 35.498.050 - Legal Remedies
- 35.498.060 - Cumulative Remedies and Penalties
- 35.498.070 - Recovery of Costs
- 35.498.080 - Processing Fee Penalty Assessment
- 35.498.090 - Penalty for Violations of Conditions

35.498.010 - Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

35.498.020 - Investigation

The Director is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Development Code. If a violation is determined to exist or to be impending, the Director is hereby authorized to take the measures as the Director deems necessary or expedient to enforce and secure compliance with the provisions of this Development Code.

- A. Cooperation of other officials.** The Director may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.
- B. Right of entry and inspection.**
 - 1. Director may enter any structure or premise.** With the consent of the owner or occupant, the Director may enter at all reasonable times any structure or premise in the County for the purpose of carrying out any act necessary to perform any duty imposed by this Development Code.
 - 2. Provision of identification.** Upon request the Director shall provide adequate identification.
 - 3. Use of inspection warrant.** An inspection warrant may be obtained if entry is refused.
- C. Liability.**
 - 1.** The Director or any other person charged with the enforcement of this Development Code, if acting in good faith and within the course and scope of their employment, shall not be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of their duties.
 - 2.** Any suit brought against the Director because of the act or omission, performed in the enforcement of any provision of this Development Code shall be defended by the County Counsel.

35.498.030 - Work Stoppage

Where any construction work is being done in conflict with the provisions of this Development Code, the Director may order the work stopped by giving notice in writing and serving the notice and order on any person engaged in doing or causing the work to be done. Upon receipt of the notice, any person, their agents, employees, or servants, shall immediately stop the work until recommencement is authorized by the Director.

35.498.040 - Referral for Legal Action

If unable to otherwise enforce the terms of this Development Code, the Director shall refer the matter to the District Attorney and/or County Counsel for appropriate legal action.

35.498.050 - Legal Remedies**A. Civil actions.**

1. **Public nuisance.** Any structure which is altered, constructed, converted, enlarged, erected, maintained, moved, or setup in conflict with the provisions of this Development Code, and any use of any land, premise, or structure conducted, established, maintained, or operated in conflict with the provisions of this Development Code, shall be and the same is hereby declared to be unlawful and a public nuisance.
2. **Injunctive relief.** Whenever, in the judgment of the Director, any corporation, firm, or person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, and at the request of the Director, the District Attorney, or the County Counsel may make application to the Superior Court for an order enjoining the act or practice, or for an order directing compliance, and upon a showing by the Department that the corporation, firm, or person has engaged in or is about to engage in the act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.
3. **Abatement.** In the event that any corporation, firm, or person shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the Director may request the District Attorney or County Counsel to apply to the Superior Court for an order authorizing the Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of the undertaking.

B. Civil Remedies and penalties.

1. **Civil penalties.** Any person, whether acting as agent, employee, principal, or otherwise, who willfully violates the provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable for a civil penalty not to exceed \$25,000.00 for each day that the violation continues to exist.
2. **Costs and damages.** Any person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable to the County for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of the violation.
3. **Procedure.** In determining the amount of the civil penalty to impose, the court may consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal actions and penalties.

- 1. Infractions.** Any corporation, firm, or person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code, or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by:
 - a. A fine not exceeding \$100.00 for a first violation;
 - b. A fine not exceeding \$200.00 for a second violation of the same provision within a 12-month period; and
 - c. A fine not exceeding \$500.00 for each additional violation of the same provision within a 12-month period.
- 2. Misdemeanors.**
 - a. Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Development Code within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Development Code within the 24-month period immediately preceding the commission of the offense.
 - b. Upon conviction of a misdemeanor the punishment shall be a fine of not less than \$500.00 nor more than \$25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both the fine and imprisonment, except that where the prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury, the punishment shall be a fine of not less than \$1,000.00 nor more than \$25,000.00 or by imprisonment in the County jail for a period not to exceed 180 days or by both the fine and imprisonment.
- 3. Violations.** Each and every day during any portion of which any violation of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, is committed, continued, or permitted by the corporation, firm, or person shall be deemed a separate and distinct offense.

35.498.060 - Cumulative Remedies and Penalties

The remedies or penalties provided by this Development Code are cumulative to each other and to the remedies or penalties available under all other laws of this State.

35.498.070 - Recovery of Costs**A. Purpose and intent.**

- 1. Purpose.** This Section establishes procedures for the recovery of administrative costs, including staff time expended for items such as reports, site inspections, summaries, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time that reasonably relates to the enforcement of the provisions of this Development Code.
- 2. Intent.** The intent of this Section is to recoup administrative costs reasonably related to enforcement.

B. Maintenance of records by Department.

1. The Department shall maintain records of all administrative costs incurred by responsible County departments associated with the processing of violations and enforcement of this Development Code and shall recover the costs from the property owner in compliance with this Section.
2. Staff time shall be calculated at an hourly rate in compliance with the Board's Fee Resolution.

C. Notice of violation.

1. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, 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 to the notice.
2. The notice shall contain the following information:
 - a. The address of the property in violation.
 - b. The Section of the Development Code violated.
 - c. A description of the violation.
 - d. An advisory that administrative costs will be assessed upon conclusion of the enforcement action.
 - e. An advisory that all administrative costs will be billed at an hourly rate to the owner of record and/or responsible party within a summary (billing statement) of administrative costs in compliance with the Board's Fee Resolution.
 - f. An advisory of the current hourly rate in effect.
 - g. An advisory that any permit sought or required to cure the violation is subject to the assessment of an additional penalty processing fee established in compliance with the Board's Fee Resolution
 - h. An advisory of the right to appeal the administrative costs in compliance with Subsection D. (Summary of costs (administrative fees)) below, within 10 days of service of the billing statement.

D. Summary of costs (administrative fees).

1. At the conclusion of the enforcement action, the Director shall send a summary of costs/billing statement associated with enforcement to the owner of the subject property and/or the responsible party by certified mail.
2. The summary/billing statement shall include the following information:
 - a. An advisory of the right to file an appeal of the administrative costs.
 - b. A requirement to submit the written appeal within 10 days of the date of the summary/billing statement.
 - c. An advisory that failure to appeal the administrative fees will eliminate the right to object to the fees and that the owner and/or responsible party will be liable to the County for the assessed charges.

- d. An advisory that assessed costs can be recovered in a civil action.
- e. An advisory that the assessed costs can be recovered by recording a lien against the property that is the subject of the enforcement activity and that the amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

E. Hearing on objections. Any property owner, or other person having possession and control thereof, who receives a summary of costs/billing statement in compliance with this Section shall have the right to a hearing before the Director on their objections to the proposed costs in compliance with the following procedures.

1. A request for a hearing shall be filed with the Department within 10 days of the service by certified mail of the Department's summary of costs/billing statement.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity of the objections.
3. 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 shall include the following:
 - a. Whether the present owner created the violation;
 - b. Whether there is a present ability to correct the violation;
 - c. Whether the owner moved promptly to correct the violation;
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation exists.
4. The Director's decision shall be appealable to the Board in compliance with Chapter 35.492 (Appeals).
5. 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 and an appeal to the Board 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/billing statement or any lesser amount as determined by the Director.
6. 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, before 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 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 may delegate the holding of the hearing required by this Section to a hearing board designated by the Board. The hearing board may be the Housing Appeals Board established in compliance with Health and Safety Code Section 17920.5 or any other body designated by the Board. The hearing board or body shall make a written recommendation to the Board which shall include factual findings based on evidence introduced at the hearing. The Board may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board. 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 before the scheduled hearing.
- e. If the Board determines that the proposed lien authorized in compliance with Subsection 6.a., above shall become a lien, the Board may also cause a notice of the lien to be recorded. This lien shall attach upon recordation in the Office of the County Recorder 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, identify the last known address of the record owner or possessor, identify 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.

35.498.080 - Processing Fee Penalty Assessment

Any person who shall alter, construct, enlarge, erect, maintain, or move any structure, or institute a use for which a permit is required by this Development Code without first having obtained the permit, shall, if subsequently granted a permit for that structure or use, or any related structure or use on the property, first pay the additional penalty permit processing fee for after the fact authorization of development, in compliance with the Board's current Fee Resolution. Within the Coastal Zone, 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.

35.498.090 - Penalty for Violations of Conditions

- A. Compliance with conditions required.** If any portion of a privilege authorized by a Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.
- B. Violation of conditions subject to penalty.** The violation of any valid condition imposed by the review authority in connection with the granting of any Coastal Development Permit, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.

DIVISION 35.10

Glossary

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CHAPTER 35.500 - DEFINITIONS

Sections:

35.500.010 - Purpose

35.500.020 - Definitions of Specialized Terms and Phrases

35.500.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the Santa Barbara County Code, the Director shall determine the correct definition utilizing the latest edition standard dictionary.

35.500.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. To physically touch or border upon; or to share a common property line.

Accessory Agricultural Structure. A structure designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock, or horticultural products, that supports the agricultural use of the lot.

Accessory Residential Structure or Use. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property. Accessory Agricultural Structures are separately defined.

artist studios	spas and hot tubs
cabañas	storage sheds
garages	swimming pools
gazebos	tennis and other onsite sport courts
greenhouses (non-commercial)	workshops
guesthouses	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care facility, hotel, or office, to employees or customers of, or visitors to the principle use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, and office complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site.

Accessory Use. A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity.

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural Development. An agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Employee Housing. A dwelling occupied by an agricultural employee including family members.

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

- drying of corn, rice, hay, fruits and vegetables
- flower growing
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables

Does not include "wineries" which are defined separately.

Agricultural Product Sales. The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on the premises or other products as allowed by Section 35.421.060.B (Agricultural Product Sales) of this Development Code.

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 Section 35.421.060.B (Agricultural Product 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.

Alley. A public passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Amateur Radio Station. A radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

Animal Enclosure. A structure for restricting the movement of, and/or sheltering animals. Includes corrals, paddocks, pens, etc. Barns, stables, and other similar roofed structures are also included under the definition of Agricultural Accessory Structure.

Animal Hospital. See Medical Services - Animal Hospital.

Animal Keeping. See Section 35.442.040 (Animal Keeping).

Antenna. See "Telecommunications Facility."

Antenna Envelope. See "Telecommunications Facility."

Antenna Support Structure. See "Telecommunications Facility."

Apartment. A room or suite of rooms within a building comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, and a bathroom, occupied or suitable for occupation as a residence for living and sleeping purposes.

Appealable Development. In the Coastal Zone, in compliance with Public Resources Code Section 30603(a) appealable development consists of the following:

1. Development approved by the County between the sea and the first public road paralleling the sea, or 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 the greater distance, as indicated on the official County appeals zone maps.
2. Development approved by the County not included within paragraph 1., above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.
3. Development that is located within a sensitive coastal resource area.
4. Development authorized by the County through Conditional Use Permit approval.
5. A major public works project or a major energy facility, as defined in this glossary.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; or
3. Presents written authorization from the property owner to file an application with the County.

Aquaculture. The raising and harvesting of aquatic plant and animal organisms.

Arcade. A permanent roofed structure attached to a building, projecting over public property, and partially enclosed and supported by supports located on public property.

Architectural Element. A portion of a building that exceeds the height limit and extends beyond the roof of the building.

Architectural Projection. A projection not intended for occupancy and which extends beyond the face of an exterior wall or roof of a building, but not including signs.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Artist Studio. A structure or portion of a structure used as a place of work by an artist (e.g., painter, sculptor, etc.) for the commercial production of art.

Attached Structure. A structure with at least five linear feet of wall serving as a common wall with the structure to which it is attached.

Attached Residential Second Unit. See "Residential Second Unit."

Attendant Structure. See "Accessory Structure."

Auto Wrecking Yard. See "Recycling Facility."

Awning. A roof-like structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies	other investment companies
credit agencies	securities/commodity contract brokers and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	

Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Basement. A story partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average level of the adjoining ground surface.

Bathroom. A room containing toilet and sink and bathing facilities.

Block. The property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets, and a railroad right-of-way, water course or other body of water.

Bluff Edge. See "Coastal Bluff Edge."

Board, or Board of Supervisors. The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Development Code as the "Board."

Boarding or Rooming House. See "Lodging."

Boat club. A club that promotes and supports yachting and boating.

Boat launching facility, accessory to approved recreation use. A facility specifically designed to assist with the ingress/egress of boats and other aquatic vehicles.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Buffer, Stream. A designated width of land abutting a stream that protects biological productivity, water quality, and the hydrological characteristics of the stream.

Building. A structure with a roof supported by columns or walls and intended to provide shelter, housing or enclosure of persons, animals or chattel. Does not include travel trailers.

Building Coverage. The amount of land covered or permitted to be covered by buildings or structures, excluding tennis courts and unenclosed swimming pools, usually measured as a percent of a lot.

Building Official. The Building Official of the County of Santa Barbara, and/or designee of the Building Official.

Building Site. A single lot of land under one ownership occupied or intended to be occupied by a structure.

Business Support Service. A commercial use that provides services to other commercial uses. Examples

of these services include:

blueprinting	film processing and photofinishing (retail)
computer-related services (rental, repair)	outdoor advertising services
copying and quick printing services	mailing and mail box services
courier, messenger, and delivery services, small scale,	protective services (other than office related)
without fleet vehicle storage	security systems services

C. Definitions, "C."

Cabaña. A building, the use of which is incidental and accessory to the use of the beach, a pool, or sports court (i.e., regulation size tennis or basketball courts), that may include bathrooms, but does not include sleeping quarters or cooking facilities.

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Campground. A site for temporary occupancy by campers, which may include individual campsites, but where utility hookups for recreational vehicles are not provided.

Canopy. A permanent roof structure that does not project over public property, which may be freestanding, attached to a building, or entirely or partly supported by a building.

Caretaker/Manger Dwelling. A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Cemetery. An interment establishment that provides subdivided cemetery lots and burial plots or air space for sale. May include: animal cemeteries; cemetery, mausoleum (see also definition of Mausoleum), columbarium, and crematorium facilities, and accessory chapels. Mortuaries and funeral homes are defined separately.

Centerline of Street. A line that bisects the right-of-way of a street or highway into two equal parts. The centerline of the service road of a freeway or limited access highway shall be defined as the centerline of the traveled way of such service road.

Certified Farmers Market. A location and operation where agricultural products are sold by producers or certified producers directly to consumers in compliance with the State's Direct Marketing Regulations (California Code of Regulations Section 1392 et seq.) and the provisions of this Development Code.

Certified Farmers Market, Incidental. An incidental Certified Farmer's Market is a temporary and periodic use conducted in a parking lot or other open area on the site of another principle use.

Change of Use. The replacement of an existing use on a lot or any portion of a lot, by a new use, but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Charitable Function. An event or activity whose primary purpose is of a charitable or noncommercial nature.

Charitable or Philanthropic Organization. An office-type facility occupied by an organization engaged in charitable or philanthropic works serving various groups or individual persons.

Child Care. See "Day Care."

Church. See "Meeting Facility, Religious."

Civil Code. The Civil Code of the State of California.

Clinic. See "Medical Services - Clinic, Urgent Care."

Clothing store. A retail outlet designed to sell clothing and clothing accessories.

Club. An organization, group or association supported by its members, having as a primary purpose the promotion of some common objective such as literature, science, politics or fellowship, but not including organizations, groups or associations whose primary purpose is to render a service customarily carried out as a business or formed to provide housing for its members. See also Meeting Facility.

Coastal Act. The California Coastal Act of 1976, commencing with Public Resources Code Section 30000.

Coastal Bluff. A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section. The terms "coastal bluff," "bluff face," and "sea cliff" are equivalent.

Coastal Bluff Edge. The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosional processes, the bluff edge shall be defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there is one or more step-like features on the bluff, the landward edge of the uppermost riser shall be considered the bluff edge.

Coastal Commission. The California Coastal Commission created by and operating under the Coastal Act of 1976.

Coastal Dependent Development or Use. A development or use that requires a site on or adjacent to the sea to be able to function at all.

Coastal Dependent Recreation. Activities that require a coastal location to occur (e.g., ocean swimming, surfing, scuba diving, fishing, boating, beach activities, and nature study).

Coastal Land Use Plan (Coastal Plan). The Land Use Plan of the Santa Barbara County Local Coastal Program, including maps and text which indicate the kinds, location, and intensity of land uses and includes resource protection and development policies.

Coastal Related Development. Development that is dependent on a coastal dependent development or use.

Coastal Related Recreation. Activities that are popular in coastal locations but also occur inland, including picnicking, bicycling, walking, jogging and camping.

Coastal Zone. The land and water area within the County extending seaward to the State's outer limit of jurisdiction, including all offshore islands, and extending inland to the boundary shown on the official Coastal Zone Maps, as amended from time to time.

Commercial Vehicle. A vehicle or article of equipment used primarily in conjunction with a business, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in residential or agricultural districts.

Community Apartment. A development of real property in which an undivided interest in land is coupled with the right of exclusive occupancy of a designated apartment located thereon and therein.

Community Care Facility. A state-authorized, certified, or licensed facility providing assistance for children and adults who require special care or services.

Community Center. A public meeting place where members of a community may gather for cultural, public information, social, recreational, and other purposes. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by onsite employees

and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Outdoor Recreation Facilities"); or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Comprehensive Plan. The Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and all Community or Area Plans, as it may be amended by the Board of Supervisors from time to time.

Conditional Use. A use that requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities. The additional control is to ensure that the particular use on the particular proposed site is compatible with other existing or permitted uses surrounding the site.

Condominium. As defined by Civil Code Section 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in an individual unit, the boundaries of which are described on a recorded Final Map or Parcel Map.

Conference Center. A building or group of buildings with accessory land and structures, that provides conference facilities for persons assembled for study and discussion of educational, religious, economic, scientific, charitable, or governmental subjects, including music, art and drama, and shall include the necessary accessory and incidental housing, dining, classroom, and recreational facilities.

Conjunctive Use. The joint siting and use of property, structures, and/or parking for two or more non-residential land uses, where the hours of operation and demand for parking or services are such that efficiency and economy in services and land use is achieved. Typically the site is designed, and the days and hours of operation of the individual uses are collaboratively scheduled, so that a single site can serve more than one use.

Conservation or Open Space Easement. A nonpossessory interest in real property imposing limitations or affirmative obligations for the purpose of conserving, protecting, or retaining the open space values of the real property; ensuring its availability for agricultural, forest, recreational, or open space use; or protecting natural resources.

Contiguous. See "abut."

Convenience Store. A retail establishment offering for sale prepackaged food products, household items, and other goods.

Country Club, Swim and Tennis Club. A private membership recreational facility that may include swim and tennis facilities, fitness facilities, a restaurant, and related facilities. A country club may also be part of, or adjacent to a golf course.

County. The County of Santa Barbara, State of California. For the purposes of this Development Code, "County" includes the Santa Barbara County Board of Supervisors, Montecito Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of Santa Barbara County.

Court. An open area other than a yard on the same lot with a building or buildings that is bounded on two or more sides by the building or buildings.

Creek Channel, Natural. A water course that has not been altered by human activity. Appears as a solid or dashed blue line on a USGS 7½-minute or 15-minute quadrangle map.

Creek, Top of Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Cultivated Agriculture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

Definitions

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Does not include agricultural processing or greenhouses which are separately defined. Does not include non-commercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential uses. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

1. **Historic Legal Use.** "Cultivated Agriculture, Orchard, Vineyard - Historic Legal Use" means that there is evidence of a permitted or legal nonconforming use on the site within the previous 10-year period.

D. Definitions, "D."

Dairy. A commercial operation where three or more cows or goats are maintained to produce milk or other dairy products for sale.

Day Care, Adult. Facilities that provide non-medical care and supervision of adults for periods of less than 24 hours.

Day Care, Child. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Child Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
 - a. **Non-residential.** A child care center where group care is provided for children in a structure not used as a dwelling unit.
 - b. **Non-residential, Accessory.** A child care center that is within or on the site of another use and provides child care services for occupants of the other use.
 - c. **Residential.** A child care center where group care is provided in a residence for 15 or more children, including children who reside at the home.
2. **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
 - a. **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a one-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
 - b. **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a one-family dwelling where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

Density. The maximum number of dwelling units permitted per specified area of land.

Density Bonus. Refers to the State mandated Density Bonus Program (Government Code Section 65915)

et seq.) that entitles qualified housing projects to a density increase and at least one development incentive.

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

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Detached Residential Second Unit. See "Residential Second Unit."

Determination, Use. An action by the Montecito Commission determining and/or finding that a use not identified as a permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. The definition of "Development" differs within the Coastal Zone and Inland, as follows:

1. **Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.
2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining, excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.

Development Code. The Santa Barbara County Montecito Land Use & Development Code, Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as “the Director.”

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.

Driveway. A private right-of-way that provides vehicular access from a public or private street to private property either abutting or adjacent to the right-of-way, or away from the right-of-way, and that is not, and under the minimum lot area requirements of this Development Code cannot be, divided into more

than four separate lots.

Driving Range. See "Golf Driving Range."

Duplex. See "Dwelling, Two-Family."

Dwelling. A room or group of rooms with 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 a family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings.

Dwelling, Multiple. A building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Dwelling, One-family. A building designed for and occupied exclusively by one family and containing one dwelling. Also known as a Single Family Dwelling.

Dwelling, Two-family. A building designed for and occupied exclusively by two families, and containing two dwellings.

E. Definitions, "E."

Education or Research Facility, Limited. Limited facilities or developments for educational purposes or scientific research, (e.g., water quality monitoring stations, access roads, storage facilities).

Electrical Substation, Major. A substation that receives and transmits electric energy directly from a generating source, the primary purpose of which is to receive the energy at its transmission voltage from the generator, and to transform the energy by lowering the voltage.

Electrical Substation, Minor. A substation that receives electric energy from transmission or distribution lines at voltages below the generation voltage, and transmits the energy at voltages suitable for domestic and non-residential consumers.

Electrical Transmission Line. A line that is interconnected with other transmission lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

Emergency Shelter. A permanent supervised shelter or halfway house that provides temporary accommodations, up to 30 consecutive days and 90 days within a 12 month period, to individuals who have lost a permanent residence.

Environmental Review.

1. **Coastal Zone.** The analysis of the potential environmental effects that may result from development, performed in compliance with the provisions of the applicable zone 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.)
2. **Inland Area.** 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.), 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.

Environmentally Sensitive Habitat Area. An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could be easily disturbed or degraded by human activities and developments.

Equestrian Facility. A commercial facility for the boarding of horses, donkeys and mules, and where such animals are available for hire. Examples of these facilities include:

- boarding stables
- horse exhibition facilities
- riding schools and academies

Also includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Does not include rodeos (see "Rodeo"), or polo fields (see "Sports and Outdoor Recreation Facilities").

Existing Developed Rural Neighborhood. An area shown on the Comprehensive Plan maps within which development has occurred historically with lots smaller than those found in the surrounding Rural or Inner Rural Areas.

F. Definitions, "F."

Façade. That portion of any exterior elevation of a structure extending from grade to the eaves or the top of the parapet wall and the entire width of the structure elevation.

Family. One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.

Family Day Care. See "Day Care."

Farmers' Market. See "Certified Farmers' Market."

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feed Distribution. The storage and dispersal of animal feed for the purpose of supporting the primary onsite animal raising activities.

Fill.

1. A deposit of earth, sand, gravel, rock or any other suitable materials placed by artificial means; any act by which earth, sand, gravel, rock or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.
2. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.

First Public Road Paralleling the Sea. The nearest road to the sea that is dedicated for public use to a public agency, and is in fact improved and suitable for public use. In the event a public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline.

Fitness/Health Facility. A commercial fitness center, gymnasium, health and athletic club, which may include any of the following: climbing rocks (which may be outdoors), sauna, spa or hot tub facilities; swimming pools; indoor handball, racquetball, tennis, volleyball and other indoor sport court activities; weight rooms; outdoor volleyball courts.

Flood control. The act or technique of trying to control water with dams, berms, drainage, weirs, etc, to minimize occurrence of floods.

Flood Plain. Any land area susceptible to being inundated by water from any source, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floodway. The channel of a stream, plus any adjacent flood plain area, that must be kept free of encroachment so that the 100-year flood will be accommodated without substantial increase in flood height, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to one foot, provided that hazardous velocities are not produced.

Floodway Fringe. The area between the floodway and the boundary of the 100-year flood, and which encompasses the portion of the flood plain that could be completely obstructed without increasing the water-surface elevation of the 100-year flood more than one foot at any point, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floor Area, Gross. 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:

1. Corridors and halls;
2. Stairways;
3. Elevator shafts;
4. Closets, storage, service, utility and mechanical equipment rooms;
5. Attached garages;
6. Open or roofed porches, balconies, or porticos;
7. Roofed arcades, plazas, courts, walkways, or breezeways;
8. Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
9. 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; and
10. In residential zones, 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.

Floor Area, Net. The gross floor area excluding shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.

Floor Area Ratio (FAR). The net floor area of a structure, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by the net lot area. Where there is an approved Final Development Plan, the net lot area shall be the sum of the net lot area of all lots included in the Final Development Plan.

Fraction Lot. A lot created as a result of an instrument of conveyance, in which the lot is not separately conveyed as a distinctly described parcel. Fraction lots are identified by overlaying separate legal descriptions of real property within an area of land and then making reference to the cumulative boundary lines to describe parcels derived by their intersections. Fraction lots do not include remainder lots, which result from the conveyance of a separate and distinct legal description of real property, where the described property is conveyed to a new owner and the remainder portion is retained by the seller.

Freeway. A defined by the Comprehensive Plan, a four or six lane divided arterial highway with full control of access and with grade separations at intersections. As the highest type of road facility, Freeways provide maximum service and safety for through traffic. Freeways serve as the principal arterials of the inter- and intra-state system of highways, carrying traffic between cities, traffic generators

and points of interest.

Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be "front lines." When the street side boundary lines of a corner lot, are of equal or of substantially equal lengths, the front line shall be the line located on the principal (more heavily trafficked) street.

Furniture, Furnishings, and Appliance/Equipment Stores. A store that primarily sells the following products and related services, that may also provide incidental repair services:

computers and computer equipment	musical instruments
draperies	office furniture
floor coverings	other household electrical and gas appliances
furniture	outdoor furniture
glass and chinaware	pool tables
home appliances	refrigerators
home furnishings	spas, hot tubs, swimming pools, and related supplies
home sound systems	stoves
interior decorating materials and services	televisions

G. Definitions, "G."

Garage, Private. A building or portion thereof used or designed to be used as an accessory building for the storage of motor vehicles for use by the occupants of the same site.

Garage, Public. A building or portion thereof, except a private garage, used or designed to be used for storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

antique stores	hardware (not including building or landscape materials)
art galleries, retail	hobby materials
art supplies, including picture framing services	jewelry
artisan shop	luggage and leather goods
bicycles	musical instruments, parts and accessories
books, magazines, and newspapers	orthopedic supplies
cameras and photographic supplies	records, CDs
clothing, shoes, and accessories	religious goods
collectibles (cards, coins, comics, stamps, etc.)	small wares
department stores	specialty shops
dry goods	sporting goods and equipment
fabrics and sewing supplies	stationery
florists and houseplant stores (indoor sales only -	toys and games
outdoor sales are "Building and Landscape Materials	variety stores
Sales"	videos, DVDs, including rental

Does not include adult oriented businesses, which are separately defined and regulated under Article VIII (Sexually Oriented Business Regulations) of County Code Chapter 35.

Golf Course. A commercial or members-only facility for playing golf, with three to 18 holes, and accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for onsite sales of golfing equipment; and golf cart repair, storage and sales facilities. Does not include driving ranges separate from golf courses or miniature golf courses unless specifically allowed.

Golf Driving Range. An area designated for hitting golf balls for practice drives. This activity is included under the definition of "Golf Course" if part of a golf course, and under the definition of "Commercial Entertainment - Outdoor" if not part of a golf course.

Government Code. The Government Code of the State of California.

Grade, Existing. The existing condition of the ground elevation of the surface of a building site at the

time of permit application, including Montecito Board of Architectural Review applications, that represents either the (1) natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation, including grading approved in conjunction with the subdivision of the site.

Grade, Finished. The level of the finished surface of the site that results from any permitted grading activities, including cut and fill of existing slopes associated with specific permit applications.

Grading. Any excavation or filling of earth or combination thereof.

Grazing. To put livestock out to feed.

Greenhouse.

1. **Greenhouse - Coastal Zone.** A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse.
2. **Greenhouse - Inland Area.** A facility, including hothouses, for the indoor propagation of plants, constructed with impervious and translucent roof and/or walls.

Greenhouse Related Development - Coastal Zone. Permanent development associated with and accessory to greenhouses, shade structures, and hoop structures. Greenhouse related development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g., boiler rooms, storage sheds).

Grocery and Specialty Food Stores. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any onsite baking is only for onsite sales.

Guesthouse. Detached living quarters of a permanent type of construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal building on the lot, and not rented or otherwise used as a separate dwelling.

Guest Ranch. See "Lodging."

H. Definitions, "H."

Habitable. Space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (e.g., heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Health Club, Spa. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; swimming pools; handball, racquetball, tennis, volleyball, and other sport court activities; weight rooms.

Health and Safety Code. The California Health and Safety Code.

Height Limit. The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade (see Section 35.430.080 (Height Measurement, Exceptions and Limitations)).

Heliport. A designated, marked area on the ground or on a structure where helicopters may land at any time.

Highway. See "Street."

Highway 101 Corridor. Any property shown on the Zoning Map (within 500 feet of the centerline of Highway 101 at time of adoption) in the area between the Ventura County line and Eagle Canyon.

Hillside. Land with slopes exceeding 20 percent.

Hog Ranch. A site used for the raising or keeping of more than six hogs.

Home Occupation. A commercial activity conducted entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.

Hoop Structure. A structure consisting of a light-weight, frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

Hospital. See "Medical Services - Hospital."

Hostel. See "Lodging."

Hotel. See "Lodging."

Hotel, Resort. See "Lodging."

Household, or Housekeeping Unit. A person or group of persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Household Pet. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but do not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

Human Habitation. The occasional, temporary or permanent use of a building, trailer or any motor vehicle for eating and/or sleeping quarters for any person.

I. Definitions, "I."

Illegal Sign. A sign that includes any of the following:

1. A sign installed without complying with all regulations in effect at the time of its construction or use.
2. A sign installed or maintained contrary to any applicable provision of Chapter 35.438 (Sign Standards), including a sign that was not removed at the end of an applicable amortization period.
3. A sign which is a danger to the public or is unsafe.
4. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the County.

Improvement. An object affixed to or growing in the ground other than a structure.

Inhabited Area. Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis.

Inland Area. All portions of the land area of Santa Barbara County located outside of the Coastal Zone.

Inland Extent of Beach. The point where a sandy beach area terminates at the base of a coastal bluff, at the edge of continuous ground covering vegetation, or continuous pavement beyond which are soil types that are not predominantly sand.

Inner Rural Area. An area shown on the Comprehensive Plan maps within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction and its accessory uses,

recreation (public or private), ranchette development, and uses of a public or quasi-public nature.

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.

J. Definitions, "J."

Junk Yard. In a non-residential zone, the use of an aggregate area of 200 square feet or more for the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale. In a residential zone, the area that may be used for the storage of junk and other listed materials may not exceed 100 square feet. See County Code Chapter 19 (Junk Yard and Dumps) for definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.

K. Definitions, "K."

Kennel, Animal Boarding. A facility for the grooming, keeping, boarding or maintaining of four or more dogs, four months of age or older. See also "Veterinary Clinic, Animal Hospital."

1. **Kennel, Commercial.** A kennel as defined above which may include boarding facilities, where the dogs are for other than private enjoyment of the occupants of the premises, and where boarding services are offered to the public.
2. **Kennel, Private.** A kennel as defined above where the dogs are kept for the private enjoyment of the occupants of the premises.

Kitchen. A room, all or any part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of food.

L. Definitions, "L."

Land Use Element. The Land Use Element of the Santa Barbara County Comprehensive Plan, as it may be amended from time to time.

Library. A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints and audio materials are kept for reading, reference, or lending.

Limited Concession Facility. Retail facilities that are clearly ancillary and incidental to a recreational use and that are customarily offered and available to the general public in connection with a recreational use (e.g., boat rentals, fishing supplies). May include snack bars and similar goods and services. Also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

Limited-equity Housing Cooperative. A corporation which meets the criteria of a stock cooperative as defined in this Article and which also meets the criteria of Section 33007.5 of the Health and Safety Code.

Living Area. The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure.

Local Coastal Program. The County's (a) Coastal Land Use Plan, (b) Development Code, (c) Zoning Map, and (d) within sensitive coastal resource areas, other implementing actions, that when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act of 1976 within the County.

Lodging.

1. **Boarding or Rooming House.** A residence or dwelling, other than a hotel, where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept.
2. **Guest Ranch.** A vacation resort, generally a farm or ranch, that derives all or part of its income

from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.

3. **Hostel.** Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.
4. **Hotel.** A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.
5. **Motel.** A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.
6. **Resort Hotel.** A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

Lot. 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. Within the Coastal Zone:

1. For the purposes of this definition, "lawfully created" includes as required by the California Coastal Act, certified Local Coastal Program.
2. A Coastal Development Permit shall be required to have been issued for 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).

Lot, Corner. A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

Lot, Flag. See "Lot, Interior."

Lot, Interior. 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.

Lot, Key. A lot the side line of which abuts the rear line of one or more adjoining lots.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area, Gross. The area included within the boundaries of the lot as described in the latest recorded deed to the lot or as shown on the recorded lot or subdivision map creating the lot, inclusive of any portion so described or mapped, lying within a public or private street, but excluding any portion lying seaward of the mean high tide line.

Lot Area, Net. The gross lot area excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

Lot Depth. The average distance between the front or street line and the rear lot line or between the front lot line and intersection of the two side lot lines if there should be no rear lot line.

Lot Frontage. The length of the front line measured at the street right-of-way line.

Lot Line. The lines forming the boundaries of a lot that distinguish it from other lots.

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 which is 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, excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

M. Definitions, "M."

Major Public Works Project and Major Energy Facility - Coastal Zone. A public works project or energy facility exceeding \$50,000 in estimated cost of construction.

Map Act. The California Subdivision Map Act, Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Marquee. A permanent roofed structure, not including an arcade, attached to and supported by the building and projecting over public property.

Mausoleum. A large stately tomb or a building housing such a tomb or several tombs.

Mean High Tide Line. The high water mark of the ocean, which is an ambulatory line varying over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

Medical Services - Animal Hospital. A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short-term care incidental to the hospital.

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices
out-patient care facilities

urgent care facilities
other allied health services

These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (e.g., chiropractors, medical doctors, psychiatrists, physical therapists). These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. These facilities may also include accessory medical laboratories, and limited fabrication activities. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include onsite accessory clinics and laboratories, accessory retail uses and emergency heliports, and onsite ambulance dispatch facilities.

Medical Services - Laboratory. Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research.

Meeting Facility, Public or Private. A facility for public or private meetings, including religious institutions, civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: conference centers, community centers (see "Community Center"), sports or commercial facilities (see "Theater," and "Sports and Outdoor Entertainment Facilities"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Meeting Facility, Religious. A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only in response to the specific requirements of a particular zone (i.e., AG-I in the Coastal Zone allows religious meeting facilities but not clubs).

Mello-Roos District. Districts that raise funds from property owners within a given area in order to provide public improvements in that area. Similar to assessment districts, their enabling legislation is the Mello-Roos Community Facility Act of 1982, Government Code Section 55311 et seq.

Mining. The extraction of mineral resources through surface or underground mining operations, including the following:

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth, including all of the following components. The following terms and phrases are defined for the purposes of [Section 35.472.160 \(Reclamation and Surface Mining Permits\)](#).
 - a. **Haul road.** A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
 - b. **Idle.** To curtail for a period of 12 months or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (See SMARA, Section 2727.1)
 - c. **Mined Lands.** Includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. Mined lands include all lands affected by a mining operation.
 - d. **Minerals.** A naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including bituminous rock, but excluding coal, geothermal resources, natural gas, peat, and petroleum. (See State Regulations, Section 3501). For the purposes of this Development Code, minerals shall also include: decorative stone, diatomaceous earth, flagstone, gravel, limestone, rip-rap, sand, and shale.
 - e. **Mining Waste.** The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
 - f. **Operator.** A person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface

mining operations as an employee with wages as their sole compensation.

- g. **Overburden.** Rock, soil, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (See SMARA, Section 2732)
- h. **Reclamation.** The combined process of land treatment that minimizes air pollution, damage to aquatic or wildlife habitat, erosion, flooding, water degradation, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (See SMARA, Section 2733)
- i. **Surface Mining Operations.** All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging, and quarrying, or surface work incidental to an underground mine. Surface mining operations include:
 - (1) In place distillation, leaching, or retorting;
 - (2) The production and disposal of mining waste(s); and
 - (3) Prospecting and exploratory activities. (See SMARA, Section 2735)

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

- 2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

Mixed Use Development, Residential Component. Dwellings associated with mixed use project.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Mobile Home Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two dwelling units with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For the purposes of this Development Code, a mobile home on a permanent foundation is considered a structure.

Mobile Home Park. An area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. A mobile home park may include community rooms and recreation areas for use by residents only.

Modular Home. A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.

Monastery. A residential facility operated by a religious organization that provides permanent or long-term housing for members of the organization, with group facilities for dining.

Montecito Community Plan. That portion of the County located within the boundaries of the Montecito Community Plan area as shown on the Montecito Community Plan Land Use Map.

Montecito Planning Commission. The Santa Barbara County Montecito Planning Commission, referred to in this Development Code as the "Montecito Commission."

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or

cremation, funeral services may be conducted, and cremation services (and a crematorium) may occur.

Motel. See "Lodging."

Museum. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

Music recording studio. A studio where audio materials are recorded.

N. Definitions, "N."

Natural Creek Channel. See "Creek Channel, Natural."

Noise Sensitive Use. Noise-sensitive land uses include:

1. Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.
2. Transient lodging, including hotels, motels, and similar uses.
3. Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.
4. Public or private educational facilities, libraries, churches, and places of public assembly.

Nonconforming Lot. A lot the area, dimensions or location of which was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations, provided that the applicable amortization period has not expired.

Nonconforming Structure. A structure that was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code, including height, location, lot coverage or setbacks.

Nonconforming Use. A use of land or structure that was lawful prior to the effective date of this Development Code or any amendment, or previously adopted County Ordinances, and that does not conform to the present regulations on use of this Development Code, including:

1. A land use established where the use is not identified as a permitted use by the zone applicable to the lot on which the use is located;
2. A land use that is identified as a permitted use by the zone 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;
3. A land use that was lawfully established without the planning permit or other entitlement (e.g., Conditional Use Permit, Development Plan) now required by this Development Code;
4. A land use that is operated or conducted in a manner that does not now conform with the standards of this Development Code, including 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 Development Code.

Non-ionizing Electromagnetic Radiation. Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum.

Notice to Property Owner. A notarized, legal document required by the County, to be completed and recorded against the property by the property owner as part of a permit approval process and/or in conjunction with correction of a zoning violation. The purpose of the notice is to document specific

conditions and/or restrictions that apply to a particular property and its improvements.

O. Definitions, "O."

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

1. **Accessory.** Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.
2. **Business/Service.** Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale onsite, etc. This use does not include "Bank, Financial Services," which is separately defined.
3. **Professional and Administrative.** Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services advertising agencies answering services attorneys business associations, chambers of commerce commercial art and design services construction contractors (office facilities only) counseling services court reporting services detective agencies and similar services design services including architecture, engineering, landscape architecture, urban planning educational, scientific and research organizations	financial management and investment counseling literary and talent agencies management and public relations services media postproduction services news services photographers and photography studios political campaign headquarters psychologists secretarial, stenographic, word processing, and temporary clerical employee services security and commodity brokers writers and artists offices
4. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary onsite real estate office for a development project; or a temporary business office in advance of permanent facility construction.
5. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office-Supporting Retail. A retail store or branch bank that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of stores include:

branch banks book store computer equipment stores convenience store florists, flower stands	newsstands, newspapers and magazine stores office supplies, stationery store pharmacy, drug store photographic supplies and camera store

One Ownership. The ownership or possession of property under a contract to purchase, or under a lease, in any manner whereby the property is under a single or unified control, including ownership of property by a person, firm, partnership, association, corporation, company, syndicate, estate, trust, or organization of any kind.

Open Space.

1. **Public Open Space.** Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, hazardous areas such as steep slopes and bluff faces).
2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.
3. **Private Open Space.** Private open space includes patios, decks, and yards for the private use of the residents of individual dwelling units.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Owner. The record owner or any person having possession and control of the subject property.

P. Definitions, "P."

Parcel. See "Lot."

Park, Playground. An area of land set aside for private or public use, maintained for recreational and ornamental purposes.

Parking Lot. An off-street area, usually surfaced and improved, for the temporary storage of five or more vehicles.

Parking Space. A space designed and reserved for the parking of vehicles, including all necessary maneuvering space, as provided elsewhere in this Development Code.

Peak Parking Period. The two hour period within seven consecutive days with the highest calculated parking demand for a single site.

Parking, Tandem. The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see Figure10-1 (Tandem Parking).

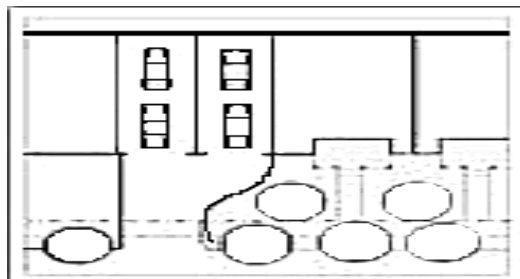


Figure 10-1 - Tandem Parking

Perimeter Lighting. A subdued method of illuminating a sign without illuminating the area outside of the sign, see Figure 10-2 (Perimeter Lighting).

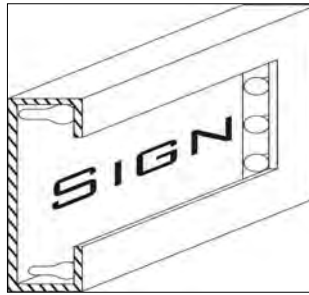


Figure 10-2 - Perimeter Lighting

Person. An individual, organization, partnership, or other business association, corporation, or entity, including any utility, and any federal, state, local government, or special district or any agency thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	massage (licensed, therapeutic)
clothing rental	pet grooming with no boarding
dry cleaning pick-up stores, not exceeding 2,000 sf	shoe repair shops
home electronics and small appliance repair	tailors
laundromats (self-service laundries)	tanning salons
locksmiths	

These uses may also include accessory retail sales of products related to the services provided.

Planning and Development Department. The Santa Barbara County Planning and Development Department referred to in this Development Code as the "Department."

Planning Permit. A generic term which means any permit or other entitlement authorized by this Development Code including the following: Coastal Development Permit, Conditional Use Permit, Development Plan, Land Use Permit, Modification, Sign Certificate of Conformance, Variance.

Premises. The area of land in one ownership surrounding a house or building.

Prime Agricultural Lands. Prime agricultural lands include any of the following.

1. All land that qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

Principal Dwelling. A detached dwelling that is the principal residential use of the lot.

Principal Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone a dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Private Residential Recreation Facility. A privately-owned, non-commercial recreation facility provided for residential project or neighborhood residents, including outdoor facilities such as swimming pools, swim and tennis clubs, park and sport court facilities, and indoor facilities (e.g., recreation rooms). Does not include golf courses and country clubs, which are separately defined.

Private Services.

1. All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy and other similar utilities and facilities owned or operated by any business organization, person or private entity.
2. All private transportation facilities, including streets, roads and other related facilities.

Project. Any activity governed to any extent by this Development Code that involves the issuance, by one or more agencies governed by the Board, of a permit, license, certificate, or other entitlement for use. The term "project" generally refers to the whole of an activity that may be subject to more than one entitlement for use issued by one or more public agencies. However, the term "project" may refer to any specific action or activity which is part of a larger undertaking, depending upon the context in which the term "project" may be specifically used in this Development Code. See also Public Resources Code Section 21065(c); and Government Code Section 65931.

Public Property. Property owned by the government.

Public Safety Facility. A facility that houses public safety personnel and equipment, (e.g., police, fire, paramedics). Facility may include kitchens, sleeping accommodations, areas for equipment maintenance.

Public Works and Utilities. Public works and utilities include all of the following:

1. Production, storage, transmission, treatment and recovery facilities for water, sewerage, energy, telephone, and other similar utilities and facilities owned or operated by any public agency or by any utility that is subject to the jurisdiction of the Public Utilities Commission.
2. Operating bases and service centers for public utilities, including facilities from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or public utility, including equipment and materials storage. Also includes facilities serving as junction points for transferring a utility commodity from a regional transmission system to a local distribution system, including facilities for natural gas distribution.
3. Any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091, except electrical substations, which are separately defined, and : office or customer service centers (classified in "Offices").

corporation and maintenance yards	telephone switching facilities
natural gas regulating and distribution facilities	wastewater treatment plants, settling ponds
public water system wells, treatment plants	and disposal field
and storage	
4. Publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
5. Community college facilities within the Coastal Zone.

Public Works or Private Service Facility. A base facility from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or private service entity. Includes equipment and materials storage, and "corporation" yards.

Public Works, Transportation Related. All public transportation facilities, including streets, roads, highways, bridges, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, trolley wires, and other related facilities financed and owned by the government.

Q. Definitions, "Q." No specialized terms beginning with the letter "Q" are defined at this time.

R. Definitions, "R."

Railroad. A permanent road that has a line of rails, fixed to ties and laid on a roadbed, for the purpose of providing a track for cars and equipment moved by locomotives or propelled by self-contained motors. The general categories of lines include.

1. **Main Line.** A main line provides for the long-distance intercity and interstate movement of trains.
2. **Branch Line.** A branch line generally connects cities, military bases, and commercial/industrial areas to the mainline.
3. **Spur Line.** A spur line connects specific entities, such as a factory, refinery, warehouse, or lumber yard to the branch line or main line.
4. **Siding or Turn-out.** A section of railroad track used to allow the safe passage of trains, switching or rail cars, or parking of trains.

Railroads may include bridges, underpasses, overpasses, tunnels, signals and other accessory facilities and structures that are attendant to road facilities.

Recreational Vehicle. A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy. Within the Inland area the living area is restricted to less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms. Recreation vehicle shall also include trailer-borne boats.

Recreational Vehicle Accommodations. Any facilities intended to accommodate recreational vehicles, including parking spaces, septic disposal, water, electrical, propane, and liquefied petroleum gas.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zone:
 - a. Reverse vending machines;
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;
2. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

Religious Institution. Religious institutions include, churches, mosques, synagogues, etc., and functionally related facilities such as kitchens, multi-purpose rooms, and storage.

Reservoir. A natural or artificial pond or lake used for the storage and regulation of water.

Residence Hall. A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing, but excluding fraternity or sorority house.

Residential Second Unit. A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to the principal dwelling on the same lot. The residential second unit may either be an attached residential second unit or detached residential second unit.

1. **Attached Residential Second Unit.** A residential second unit that shares a common wall with the principal dwelling.
2. **Detached Residential Second Unit.** A residential second unit that is not attached to the principal

dwelling by a common wall.

Residential Structure. A structure containing one or more dwelling units, except for a mixed use building.

Resort. See "Lodging - Resort Hotel."

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Either may include indoor and outdoor eating areas.

Restroom. A room that may contain a toilet and washbasin but shall specifically exclude any type of bathing facilities.

Retreat. A building or group of buildings with appurtenant land and structures used for the purpose of providing facilities for groups assembled for discussion, study, and recreation. See Section 35.442.170 (Rural Recreation).

Review Authority. The individual or official County body (Montecito Board of Architectural Review, the Planning Director, Montecito Planning Commission, or Board of Supervisors) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in [Division 35.7](#) (Montecito Planning Permit Procedures).

Right-of-Way Line. The recorded boundary of a public or private street or the existing or planned boundary of a public street as indicated in the Comprehensive Plan.

Riparian Vegetation. Vegetation normally found along the banks and beds of streams, creeks, and rivers.

Road. See "Street." The following terms as they are used in [Chapter 35.460 \(Road Naming and Address Numbering\)](#) shall be defined as follows:

1. **Road, continuous.** Two or more road segments within sight of one another at an intersection with its centerlines offset by less than 100 feet or with an interior angle of intersection greater than 110 degrees.
2. **Road, private.** A street which is not a public road and does not meet the definition of a driveway.
3. **Road, public.** All existing Federal, State, and County public roads and all public streets acquired in the future where the area within the right-of-way is held either in fee or as an easement by Federal, State, or County government.
4. **Road segment.** A linear section of road being added to the address numbering system, or a section that stands as a separate or non-continuous road.

Rodeos. A public or private competition or exhibition in which skills such as riding and roping are displayed.

Rooming House. See "Lodging".

Rural Area. An area shown on the Comprehensive Plan maps.

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities (not including accommodations for recreational vehicles), hunting clubs, retreats, and summer camps.

S. Definitions, "S."

Sanitarium. A health retreat, boarding house, hospice or other place for the treatment of disease or care of invalids.

School. A public or private academic educational institution, examples include:

boarding school	high school
community college, college, or university	military academy
elementary, middle, and junior high schools	

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Sea Wall. Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland damage from wave action or flooding during storms.

Secondary Use. A land use subordinate or accessory to a principal land use.

Seismic Retrofit. An alteration to the structural elements of a structure for the purposes of resisting earthquake forces.

Service Station. A retail business supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and to the fulfilling of motorists needs. These include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded. Incidental products and services may include non-auto related items such as refreshments provided the floor area devoted to these items is no greater than 100 square feet.

Setback. The minimum required distance that a structure must be located away from any property line of the lot on which it is located or street center line or right-of-way line or easement boundary, to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Development Code.

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.

1. **Primary Front.** On a corner lot less than 100 feet in width, the primary front setback is the setback which is adjacent to the front line of the lot.
2. **Secondary Front.** On a corner lot less than 100 feet in width, the secondary front setback is the front setback which is not the primary front.

Setback, Rear. An open yard area located opposite the front line and 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.

Sewage Treatment Facilities - Central Plant. Central plant facilities for sewage treatment, including wastewater treatment plants, wastewater package plants, reclamation facilities and other similar facilities, proposed to serve 200 or more connections.

Shade Structure. A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following:

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign, see Figure 10-3 - A-Board Sign, below.

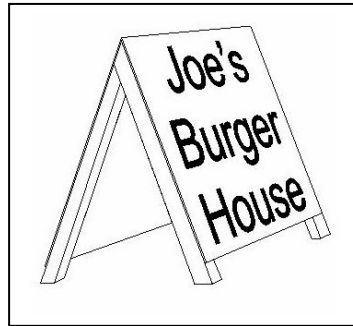


Figure 10-3 - A-Board Sign

2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Arcade Sign.** A sign located on the exterior of the arcade facing the street which does not extend above or below the arcade structure.
5. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
6. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized non-commercial organizations.
7. **Bench Sign.** Copy painted on a portion of a bench.
8. **Business Sign or Structure.** Any sign or structure designed, intended or used for advertising the particular business, product or service located or sold on the same premises as that on which the sign or structure is located.
9. **Cabinet (Can) Sign.** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
10. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
11. **Combination Farm Sign.** A sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm, which sign may also incidentally identify the contract buyer of the product (e.g., Calavo).
12. **Construction Sign.** A temporary sign placed at a construction site that provides information regarding the project architect, owner, contractors, etc.

13. **Directional and Informational Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project site.
14. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
15. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes located within 24 inches of each other.
16. **Educational Sign.** A sign located in a public park and along trails and walkways that provides facts and information about the natural environment (e.g., names and origins of plants; names of animals and descriptions of their habitat and behavior; names and characteristics of geological features).
17. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
18. **Farm Organization Sign.** A sign used only for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, 4-H Club, Farm Bureau.
19. **Flashing Sign.** An animated sign that contains an intermittent or sequential flashing light source.
20. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs and the following:
 - a. **Entrance/Exit Sign.** A sign containing only the words "entrance" or "exit."
 - b. **Gate or Entrance Sign.** A sign attached to an entrance gate or entrance structure to a residential building site or residential subdivision which identifies the site or subdivision.
 - c. **Identification Sign.** A sign used only for the purpose of identifying the occupancy of a building, structure, or property.
 - d. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
21. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from a distance; or where the light source is behind an opaque sign element and causes the opaque element to be outlined by light reflected from the surface to which the sign is mounted.
22. **Institutional Sign.** A sign used only for the purpose of identifying an established organization or foundation, typically of a public character (e.g., school, hospital, museum, lodge).
23. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that light passes through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
24. **Marquee (Canopy) Sign.** A sign attached to or constructed in a marquee.
25. **Menu Board Sign.** A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information that is essential for the efficient intake of orders from customers of a drive-through restaurant.
26. **Multi-Tenant Sign.** See "Directory Sign."
27. **Multiple Copy Sign.** A sign which advertises other than the name of the business and principal product or service, see Figure 10-3 (Multiple Copy Sign), below.

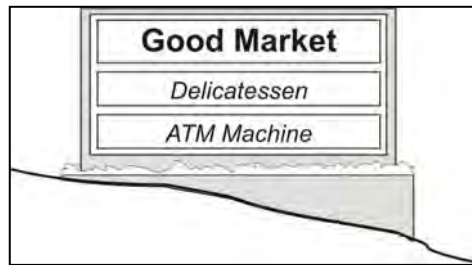


Figure 10-3 - Multiple Copy Sign

28. **Onsite Sign.** A sign containing copy relating only to the business, product, service, or activity conducted or sold on the same premises as that on which the sign is located. Sometimes also known as "business sign."
29. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
30. **Political or Social Issue Sign.** A sign that addresses:
 - a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
 - b. The election or defeat of any candidate for any public office in any national, state, or local election; or
 - c. An international, national, state, or local political or social issue.
31. **Pole/Pylon Sign.** An elevated freestanding sign typically supported by one or two poles or columns.
32. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
33. **Projecting Sign.** A sign mounted on the façade or vertical surface of a structure in such a manner that all of the display surfaces are not parallel to the supporting surface.
34. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
35. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof. Signs mounted on parapet walls are not considered roof signs. Signs which are on pylons or other architectural projections and extend more than six inches above a roof or parapet wall are, for the purpose of this Development Code, roof signs.
36. **Safety Sign.** A sign warning of hazards.
37. **Security Sign.** A sign used for the purpose of indicating the presence of security devices, use of surveillance cameras for security purposes, or electronic warning systems.
38. **Subdivision Directional Sign.** A sign that provides directions to a new subdivision with onsite model homes and/or sales office, where lots and/or housing units are, or will be for sale.
39. **Temporary Sign.** A temporary sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
40. **Time and Temperature Sign.** See "Changeable Copy Sign."
41. **Trail Marker Sign.** A sign designed and intended to mark a public trail/path system used by equestrians, pedestrians, and cyclists using nonmotorized vehicles.
42. **Under Canopy Sign.** A sign attached to the underside of a canopy.
43. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked onsite or off-site,

the principal purpose of which is to attract attention to a product sold or business.

44. **Wall Sign.** A sign affixed in any manner to any exterior wall of a building and which is parallel to and projects not more than 18 inches from the building wall and which does not extend more than six inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six inches above the roof or parapet wall of the building are, for the purpose of this Development Code, wall signs.
45. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

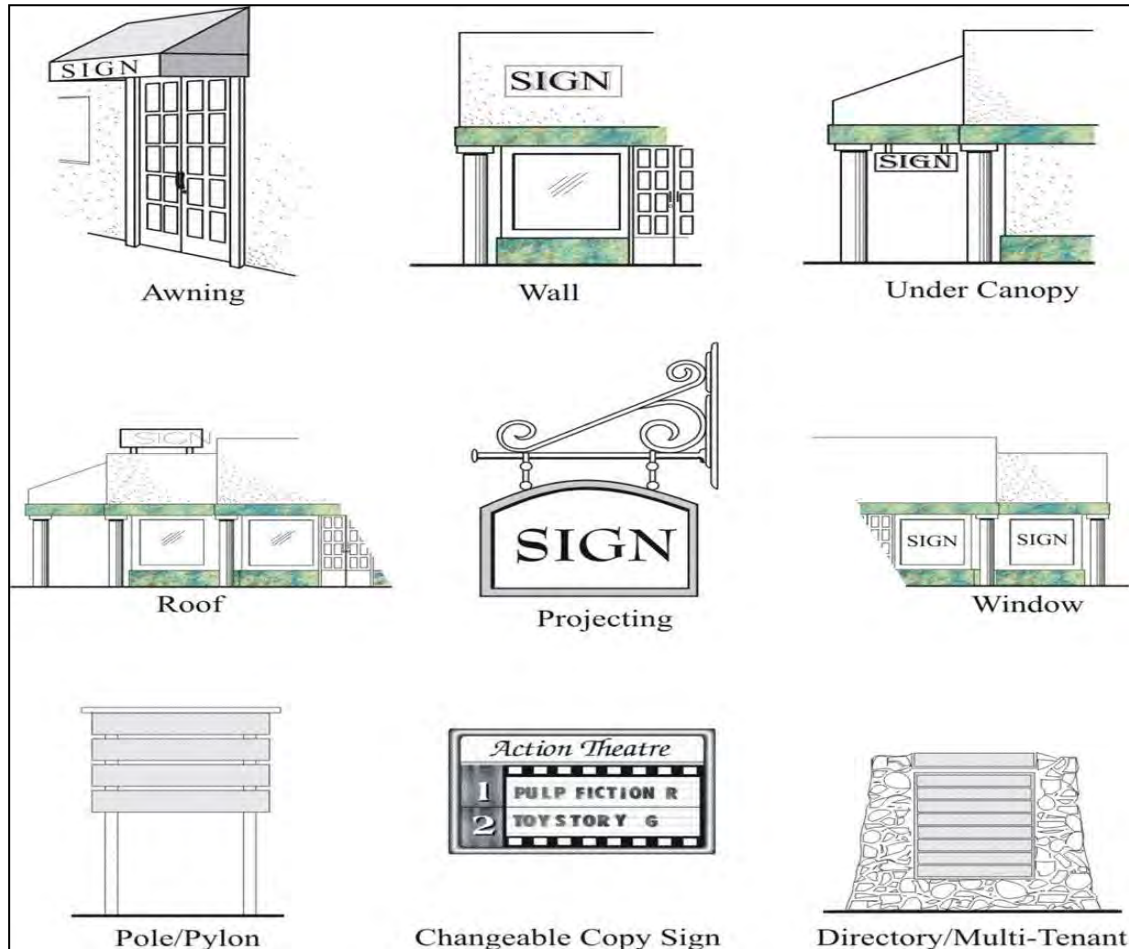


Figure 10-4 - Sign Examples

Sign Structure. A structure that supports or is capable of supporting any sign as defined in this Development Code.

Single Room Occupancy. A multi-unit residential use where occupants share common kitchen and bathroom facilities.

Site. A lot or adjoining lots, considered a unit for the purposes of development or other use.

Spa. A business establishment with equipment and facilities for exercising and personal care treatments including depilation, facials, massages, pedicures.

Spa, Natural. Unique natural mineral springs at or in the immediate vicinity of their source as designated on the Comprehensive Plan, when developed for therapeutic use as mineral baths. A spa may include day

use accommodations and food service as accessory to the therapeutic use.

Special Care Home. A residential home providing 24-hour non-medical care and supervision that is eligible for a license for a capacity of seven or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home."

Special District. A public agency other than a city or county, formed in compliance with general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting the area.

Sports and Outdoor Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer)	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball, squash)
skateboard parks	

Sports and Outdoor Recreation Facility, Accessory. A sports and outdoor recreation facility accessory to the principle use.

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. An accessory building in which horses are kept for commercial use including riding, training, boarding, hire, and sale. See also "Equestrian Facility."

State. The State of California.

Stock Cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the persons having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined in this Chapter.

Storage - Accessory. The indoor storage of materials accessory and incidental to a principal use is not considered a land use separate from the principal use.

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or principal use.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above.

Stream. Within the Coastal Zone, watercourses, including major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass. Coastal wetlands are not included.

1. **Major Stream.** A stream with a drainage area in excess of 500 acres.
2. **Minor Stream.** A stream with a drainage area of 500 acres or less.
3. **Stream Corridor.** A stream and its minimum prescribed buffer strip.

Street. A permanently reserved, public or private right-of-way, not including alleys or driveways, that provides the public a principal means of vehicular access to abutting or adjacent property. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from the freeway or highway.

Street Frontage. The portion of a property abutting a public or private street.

Structural Alteration. A change in the supporting members of a structure, including bearing walls, column beams, girders, or trusses, or in the dimensions, support members, or configuration of the roof.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, excluding trailers and, within the Inland area, sidewalks. Within the Coastal Zone this definition includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Structure Separation. The distance between structures on the same building site.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include artist studios that are accessory to a residential use.

Studio Dwelling Unit. A dwelling unit that does not contain a bedroom and which is located within a two-family dwelling or a multiple dwelling.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Santa Barbara County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

T. Definitions, "T."

Telecommunications Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. Additionally, the following terms and phrases are defined for the purposes of Chapter 35.444 (Telecommunications Facilities).

1. **Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.
2. **Antenna Envelope.** The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.
3. **Antenna Support Structure.** A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna used for the transmission and reception of electromagnetic waves.
4. **Collocated Telecommunications Facility.** A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
5. **Collocated Telecommunications Site.** Any site where more than one antenna support structure is installed in close proximity to one another on one lot.
6. **Commercial.** A telecommunications facility that is operated primarily for or accessory to a business purpose.

7. **Height.** The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the uppermost point of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna or antenna support structure includes the height of the portion of the building that it is mounted on.
8. **Lattice Tower.** A multiple sided open metal frame support structure which supports antennas and related equipment.
9. **Monopole.** A single pole support structure, constructed without guy wires and ground anchors, used to support communication antennas and connecting appurtenances.
10. **Multiple User.** A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.
11. **Non-commercial.** A telecommunication facility that is operated solely for a non-business purpose.
12. **Ridgeline.** When used within Section 35.444.010 (Commercial Telecommunication Facilities), ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.
13. **Substantially Visible.** An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.
14. **Tenant Improvement.** A wireless telecommunication facility where the general public does not have access to the facility and the transmission facility and the associated antennas are (1) entirely enclosed within an existing building or (2) located on the roof of an existing structure, or (3) the antennas are located on the exterior wall of a structure. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.
15. **Tower.** A mast, pole, monopole, guyed tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.
16. **Utility Pole Existing.** A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.
17. **Wireless Telecommunication Facility.** A commercial facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility may include: antennas, radio transmitters, equipment shelter or cabinet, air vents, antenna support structure, air conditioning units, fire suppression systems, and emergency back-up generators including fuel storage.

Temporary Guest. Non-paying guests occupying the premises for not more than 120 days in any 12-month period.

Temporary Use.

1. **Coastal Zone.** Temporary use within the Coastal Zone is defined as (1) an activity or use that constitutes development as defined by this Development Code 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: sandy beach, parkland, filled tidelands, water, streets or parking areas, which are otherwise open and

available for general public use; or (2) An activity as defined in (1) above that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.

2. **Inland Area.** Temporary use within the Inland area is defined as the use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Examples of temporary uses include: art shows, car washes, charitable functions, seasonal sales lots.

Theater. An indoor or outdoor facility for spectator group entertainment, other than sporting events. Examples of these facilities include civic theaters, and facilities for "live" theater and concerts and performing arts centers. Does not include movie theaters. Does not include drive-in theaters.

Trail. A marked or beaten path, as through woods or wilderness.

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

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

U. Definitions, "U."

Under Construction. The placing of construction materials in permanent position and fastened in a permanent manner.

Urban Area. An area shown on the Comprehensive Plan maps within which is permitted the development of residential, commercial, and industrial activities, and their related uses and structures.

Urbanization. Any commercial, industrial, or residential structure on lots of less than five acres in size, or the creation by land divisions of lots of less than five acres in size.

Utility Connection to Approved Development. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been issued a Coastal Development Permit.

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Utility Service Line. A line providing electricity, gas, television, and other similar utilities.

V. Definitions, "V."

Vehicle Service, Minor Maintenance/Repair. Minor facilities providing repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). Does not include automobile parking, repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards.

Vision Clearance Area. A triangular space at the street or highway corner of a corner lot wherein the height of plantings, fences, walls, and other structures is restricted by Subsection 35.430.090.I (Vision clearance).

Visitor-Serving Commercial. Retail and service uses not otherwise listed as allowable in a specific zone, that are oriented to the needs of tourists and the traveling public, including barber and beauty shops, gift

and souvenir shops, recreational clothing stores, recreational equipment rental (e.g., beach and swimming equipment) and restaurants.

W. Definitions, "W."

Wastewater Treatment System. A system, not connected to a wastewater treatment facility, that treats, stabilizes, stores and disposes into the soil sewage generated onsite.

Wastewater Treatment Facility. A system that that treats, stabilizes, stores and disposes into the soil sewage generated from more than one lot.

Water Diversion Project. The diversion of water from a natural channel to another location through alteration of the natural channel and/or artificial structures.

Water System. A system for the extraction and provision of water utilizing a well or wells and including any collection, treatment, storage and distribution facilities.

Water Supply, Treatment, Storage Facilities - Central Plant. Central plant facilities for domestic, commercial, industrial or recreational water production, including onsite water wells, water systems, water treatment plants, water package plants and other similar facilities proposed to serve 200 or more connections.

Wetbar. An area of a room that may include cabinets, counters, refrigeration units and sinks but no cooking facilities, as restricted by [Chapter 35.442 \(Standards for Specific Land Uses\)](#).

Wetland. Lands that may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

X. Definitions, "X." No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

Yard. See "Setback."

Z. Definitions, "Z."

Zoo. A park or an institution in which living animals are kept and usually exhibited to the public. Also called zoological garden.

APPENDIX A**TABLE OF ORDINANCES AMENDING THIS
LAND USE & DEVELOPMENT CODE**

Ordinance & Case Number	Board of Supervisors Adoption Date	Coastal Commission Certification Date	Amended Sections
Ordinance 4660 07ORD-00004	11/27/2007		Montecito Land Use & Development Code
Ordinance 4669 08ORD-00002	05/06/2008	n/a	35.422.030.C, 35.422.030.E, 35.472.080.E, 35.472.110.E
Ordinance 4672 08ORD-00004	05/27/2008		35.460.050.B, 35.460.050.C, 35.460.050.E, 35.474.030.D
Ordinance 4681 08ORD-00007	07/15/2008		35.421.030, 35.422.030, 35.423.030, 35.424.030, 35.425.030, 35.436.050, 35.442.070, 35.472.130

APPENDIX B

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING MEASURE A96 - VOTER APPROVAL INITIATIVE

The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative, "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election.

1. **Legislative Acts** - Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative", "executive", or "quasi-judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case-by-case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:

An action is "legislative" if it prescribes new policy or plan.

An action is "administrative" if it applies existing policy.

- General Plan amendments and rezones are legislative actions.
- Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.
- Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.
- Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.
- Repair and maintenance projects are processed administratively under Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development) of the Development Code and do not require legislative approvals.

2. **Onshore Support Facilities** - Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources."

Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case-by-case review.

- Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter referendum, nor are projects within the inland portion of the Montecito Community Plan area.
- Measure A96 does not apply to projects within cities or on other lands exempt from the County's Development Code pursuant to Section 35.10.040 (Applicability of the Development Code).
- Onshore pipeline projects are specifically exempt from Measure A96.
- Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).

3. **Procedures for Implementing Measure A96** - Elections to consider Board-approved projects would occur at the next regular election according to timelines provided in the California Elections Code.

The California Coastal Commission must certify any changes to the Local Coastal Program. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:

- (1) Board of Supervisors approval;
- (2) Project consideration by the voters of Santa Barbara County;
- (3) Project consideration by the California Coastal Commission.

Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the Local Coastal Program if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Local Coastal Program amendment of energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.

APPENDIX C

COUNTY GUIDELINES ON REPAIR AND MAINTENANCE AND UTILITY CONNECTION TO PERMITTED DEVELOPMENT WITHIN THE COASTAL ZONE ONLY

A. General Provisions. Division 35.2 (Montecito Zones and Allowable Land Uses) of the Development Code states in part: "A Coastal Development Permit shall be required for all development in the coastal zone with the exception of the following:

1. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities.
2. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit."

These guidelines are intended to detail the types of development activities the County considers repair, maintenance or utility connections between an existing service facility and permitted development. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Director will determine whether a permit is required.

B. Description of Activities Excluded. The following construction activities and comparable activities to those listed do not require a Coastal Development Permit except as specified below:

1. **Roads.** No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing, installation or expansion of retaining walls, safety barriers and railings and other comparable developments within the existing right of way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: (1) Flexible Roadbed Program, (2) Rigid Roadbed Program; (3) Roadside Maintenance Program; (4) Roadway Litter and Debris Program; (5) Vegetation Control Program; (6) Pavement Delineation Program; (7) Sign Program; (8) Electrical Program; (9) Traffic Safety Devices Program; (10) Public Service Facility Program except that a permit is required for construction of new facilities; (11) Landscape Program; (12) Bridge and Pump Maintenance Program; (13) Tubes, Tunnel and Ferry Maintenance Program; (14) Bridge Painting Program; (15) Miscellaneous safety projects, provided there is not expansion in the roadway or number of traffic lanes; (16) Major damage maintenance, repair and restoration; (17) Comparable Minor Alterations.

NOTE: See "Appendix to Guidelines, Section IIA" below, for more detailed description of activities included in these programs.

2. Public Utilities.

a. Natural Gas, Chilled Water and Steam Facilities.

- (1) **Service Connections.** Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either having a Coastal Development Permit or exempt from Coastal Development Permit including:
- (a) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, backfill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.
 - (b) Extend underground gas, chilled water and/or steam service piping from the main locations, except in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those in Item (1) above.
 - (c) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water and/or steam service to the customer's piping system.
 - (d) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.
 - (e) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.
- (2) **Distribution and Transmission Facilities.**
- (a) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys, repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.
 - (b) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either having a Coastal Development Permit or exempt from a Coastal Development Permit). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.
- (3) **Production and Storage Facilities.** Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities, gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution

control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.

- (4) **Miscellaneous.** Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.
- (5) **Grading and Clearing.** Maintenance activities shall not extend to the construction of any new roads to the site of the work.

b. Electric Utilities.

- (1) **Generation Stations, Substations, Fuel Handling, Transportation and Storage Facilities and Equivalent Facilities.** A Coastal Development Permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A Coastal Development Permit is not required for installation of any required new safety devices and pollution control facilities within existing structures or equipment, or where land coverage, height or bulk of existing structures will not be increased.

- (2) **Transmission and Distribution and Communication Facilities.** A Coastal Development Permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A Coastal Development Permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development either having a Coastal Development Permit or exempted from a Coastal Development Permit or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A Coastal Development Permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements.

- (3) **Services.** Electrical service and metering facilities may be installed and placed in service to any development either having a Coastal Development Permit or exempt from a Coastal Development Permit. In addition, a Coastal Development Permit is not required to maintain, replace, or relocate service or metering facilities for such developments. A Coastal Development Permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.
- (4) **Grading and Clearing.** These activities shall not extend to the construction of any new road to the site of the Work.
- (5) **Definitions.**
 - (a) Line Extension. All facilities for permanent service excluding transformers, service and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.
 - (b) Service. A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.

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- (c) **Supply Point.** Any transformer, pole, manhole, pull box or other such facility at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.
- c. **Telephone.** No permit or conditions are required for the activities of a telephone company that come within the following areas:
- (1) Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.
 - (2) Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.
 - (3) Placement of additional aerial facilities on existing poles.
 - (4) Removal of existing poles and facilities thereon, where new, replacement facilities have been placed underground.
 - (5) Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground service connections or aerial service connections from existing poles with any necessary clearance poles.
 - (6) Removal of minor vegetation for maintenance purposes (tree trimming, etc.).
 - (7) Maintenance activities shall not extend to the construction of any new roads to the site of the work.
- d. **Others, including Water, Sewer, Flood Control, City and County Public Works, Cable T.V.** No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development having a Coastal Development Permit or exempt from a Coastal Development Permit, placement of additional facilities on existing poles, or placement of existing facilities underground provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments having a Coastal Development Permit or exempt from a Coastal Development Permit. Maintenance activities shall not extend to the construction of any new roads to the site of the work.
3. **Parks.** No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.
4. **Industrial Facilities.** No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.
5. **Other Structures.** For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size

of the structure is not altered.

- 6. Dredging and Beach Alteration.** (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610(c) of the Coastal Act. Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the South Central Coast Regional Commission.)

C. Repair and Maintenance Activities Requiring a Permit

1. For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:
 - a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in a coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
 - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
 - b. Any method of routine maintenance dredging that involves:
 - (1) The dredging of 100,000 cubic yards or more within a 12 month period;
 - (2) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
 - (3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
 - c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
 - (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
 - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit requirements of the Montecito Land Use and Development Code. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations.

2. Unless destroyed by natural disaster, the replacement of 50 percent or more of a seawall revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under this Article but instead constitutes a replacement structure requiring a Coastal Development Permit.

Notwithstanding the above provisions, the director shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

Appendix to Guidelines, Section IIA

Detailed description of activities included in road maintenance programs for which no Coastal Development Permit is required.

1. **Flexible Roadbed Program.** This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.
2. **Roadbed, Rigid.** The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.
3. **Roadside Maintenance Program.** This program includes the repair, replacement and cleaning of ditches, culverts, underdrains, horizontal drains and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program. Installation of slope protection devices, minor drainage facilities. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the fish and Game Code, or excavation or disposal of fill outside of the roadway prism.
4. **Roadway Litter and Debris Program.** This program includes all work concerning roadbed and roadside cleanup operations to ensure that the highway presents a neat, clean and attractive appearance.
5. **Vegetation Control Program.** Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights of way. Included is cutting and trimming by hand and mechanical means.
6. **Pavement Delineation Program.** The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.
7. **Sign Program.** The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of

manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.

8. **Electrical Program.** This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fencers or piling is included in this program.
9. **Traffic Safety Devices Program.** Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and Portland cement concrete walls, the repair and maintenance of energy dissipaters such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.
10. **Public Service Facility Program.** Public service facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.
11. **Landscape Program.** This program refers to the treatment maintenance and replacement of all vegetative material planted within the State Highway right of way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.
12. **Bridge and Pump Maintenance Program.** The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.
13. **Tubes, Tunnel and Ferry Maintenance Program.** The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.
14. **Bridge Painting Program.** This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.
15. **Miscellaneous Safety Projects.** Elimination of hazards within the operating areas or the operating right of way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right of way to improve roadside safety.
16. **Major Damage Maintenance, Repair and Restoration.** Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as possible following major damage from storms; earthquakes, tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the coastal Act. Inquiries should be directed to the Regional Commission staff if at all possible, prior to commencement of construction.)
17. **Miscellaneous Alterations.**
 - a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.
 - b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, etc., including turn pockets, where construction is

performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.

- c. Maintenance of existing bicycle facilities.
- d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.
- e. Devices such as glare screen, median barrier, fencing, guard rail, safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.
- f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.
- g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.
- h. Modification, upgrading, alteration, relocation, or removal of railroad grade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.

APPENDIX D

DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ONSITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an onsite wastewater treatment system may not be permitted in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. Lots that are designated as a Special Problem Area due to sewage disposal constraints are not considered to be particularly favorable. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that an onsite wastewater treatment system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.
 - a. A description of the methodology employed in the performance test.
 - b. A site plan showing the location of the test.
 - c. A table of data obtained for the performance test at each test location.
 - d. A log of the subsurface soil and groundwater conditions encountered.
 - e. A statement as to which soil zones will be those utilized by the installed system.
 - f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
 - g. A site plan indicating the location of the new onsite wastewater treatment system, the 100 percent expansion area, all required setbacks and the area designated for development.
 - h. A statement that the lot can be developed as proposed and that the onsite wastewater treatment system can be expected to function satisfactorily with normal use and routine maintenance.

All new onsite wastewater treatment systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:
 - a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.

- b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.
- c. A plot plan showing the existing onsite wastewater treatment system for the main house, including the area required to be reserved for the 100 percent expansion area and the proposed onsite wastewater treatment system for the second unit.
- d. The new onsite wastewater treatment system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
- e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.
- f. For drywell disposal:
 - 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.
 - 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

APPENDIX E

GUIDELINES FOR MINOR CHANGES TO COASTAL DEVELOPMENT PERMITS AND LAND USE PERMITS

The following guidelines shall be used by the Director to determine if a minor change to an approved or issued Coastal Development Permit or Land Use Permit can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from Design Review pursuant to Section 35.472.070 (Design Review).
2. The proposed change would otherwise be exempt from a Coastal Development Permit or Land Use Permit pursuant to Section 35.420.040 (Exemptions from Planning Permit Requirements).
3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. The change does not increase the height of the roof ridgeline.
5. The change would not be counter to design direction provided by the Montecito Board of Architectural Review.
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
8. The change does not affect easements for trails, public access, or open space.
9. The change does not increase the required number of parking spaces.

If the proposed “minor” change does not conform to the guidelines identified above, the applicant should apply for a new planning permit.

APPENDIX F

GUIDELINES FOR TELECOMMUNICATIONS SITES IN RURAL AND INNER-RURAL AREAS

These guidelines implement the requirements contained in the Montecito Development Code for telecommunication sites. Special circumstances may dictate deviation from these guidelines based on recommendations of the Montecito Board of Architectural Review and the determination of the review authority.

A. Site Design

1. Berming/Bunkering

- a. If ground equipment cannot be screened by natural topography and/or existing vegetation, and the provision of new landscape screening is not considered feasible or appropriate, the equipment areas may be screened through the use of bunkers, low berms, or a combination of both.
- b. Bunker walls should not be visible from public viewing areas.
- c. Low berms (two to three) may be used on sides of the facility visible from public roadways. The berms should be naturally contoured using excess cut material from the site.
- d. Any berming and/or bunkering should avoid impacts to existing vegetation and should not create additional erosion problems.
- e. The antennas should be located out of the skyline as much as possible (move downslope).

2. Fencing

- a. All fencing should be made out of material that blends into the surrounding terrain and should not create any visual impacts.
- b. Per the communication ordinance standards, the general public shall be excluded from the facility.
- c. If a site is not accessible to the general public, the Department may not require security fencing. A low cattleguard should be considered to keep range animals out of the facility. The cattleguard should be constructed out of the smallest diameter pipe possible.
- d. If the lease area is accessible to the general public, security fencing, such as chain link, should be used. The fencing should be no higher than five feet above finished grade.
- e. Solid inserts in the fencing will be discouraged.

3. Access Roads. The creation of new access roads or substantial improvement of existing roads as a direct result of the telecommunication project will be discouraged.

4. Lighting. Lighting of the facility, other than lighting for emergency repairs, will be discouraged.

5. Signage. If signs are required for the project, such as directional signs per Fire Department recommendations, then the signs should be as small as possible and placed in locations not readily seen from public viewing areas, if possible.

6. Vegetation

- a. Site design should minimize impacts to existing vegetation.
- b. Disturbed areas (e.g. trenches, berms, cuts), or areas that require erosion control, should be revegetated with a seed mix/plantings compatible with the surrounding vegetation. A temporary irrigation system may be required.
- c. If landscaping is required for screening purposes, the landscaping should consist of long lived plant species native to that area. The planting of exotic species is discouraged. A permanent or temporary irrigation system may be required.

B. Collocation/Trenching

1. If a site has existing carriers, it is preferable to have the new facility tie into existing electric and/or telephone pedestals of the existing carriers at the lease site as opposed to trenching from the closest utility lines. This is not always possible and requires the cooperation of competitors.
2. If a significant amount and distance of trenching must occur, then it should be confined to previously disturbed areas or follow the existing access road and should contain extra conduit for future expansion by other carriers.
3. If a utility trench is located in a constrained area (e.g. steep slopes, sensitive resources, highly visible area, other underground utilities), the location of the trench may be marked and reviewed in the field in order to minimize impacts to the sensitive resources and/or to avoid conflicts with other utilities.

C. Visual Impacts**1. Colors**

- a. The color of the facility should match the backdrop from the most visible public viewpoint.
- b. The color of the at-grade equipment that is not visible in the skyline should match the color of the surrounding vegetation that predominates for the majority of the year.
- c. If an existing facility is located at the proposed lease site, and the existing facility has a color scheme that successfully reduces visual impacts, then the existing facility should serve as a guide for the color scheme of the proposed facility.
- d. Equipment visible against the skyline should in most cases be a medium grayish color. A sky blue color should only be used with caution since it tends to be more visible on overcast or foggy days.
- e. Color schemes (all flat colors; equivalent colors from any paint manufacturer may also be used):

Antennas/equipment visible against skyline = gray, e.g. Dutch Boy “Marblehead” (32-V-2), Frazee “Tradewind” (8641W), or Frazee “Dusty Miller” (8634M).

Equipment (including fencing), and in some cases, antennas within an oak woodland, or other dark green vegetation = Dark green, e.g. Frazee “Blackened Beam (8646N), Frazee “Greek Olive” (8656N), or Frazee “Potting Shed” (8666N).

Equipment (including fencing), and in some cases, antennas within a grassland (example, ridges around Los Alamos and Los Olivos) = green/tan, e.g. Frazee “Wild Grasses” (8175D), Frazee “Backpack” (8664M), or Frazee “Muddy River” (8674M).

Equipment (including fencing), and in some cases, antennas within a savannah (example, hills south of Lompoc) = green/gray, e.g. Frazee “Muddy River” (8674M).

- f. The least visually obtrusive support structure as viewed from the most visible public viewpoint should be used. Natural wood poles, steel poles, concrete poles, or lattice towers are all acceptable support structures. The review authority would ultimately determine the appropriate support structure for a particular site with recommendations from staff.
- g. If organic or mineral mulch and/or riprap are used within the lease area, the material should match, or be compatible with, the color of the ground surface. For example, the use of white rock on a tan ground surface would be discouraged.
- h. If temporary or permanent irrigation is required, all above ground equipment (i.e. water tanks) should be painted the same color as the facility so as not to create new visual impacts.

APPENDIX G

SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The Montecito Land Use and Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.
3. The Department considers key issues:

Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?

Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?

Would the deviation alter the public's perception of the project?

Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.

4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
 - a. Does not conflict with project conditions of approval and/or recorded map conditions.
 - b. Does not result in health or safety impacts.
 - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.
 - d. That the changes proposed can be effectuated through existing permit conditions.
 - e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.
 - f. Does not result in an increase of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.
 - g. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
 - h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.
 - i. Is consistent with Comprehensive plan policies and Montecito Land Use and Development Code requirements.

- j. Does not result in more than 1500 cubic yards of net cut and/or fill outside of the Coastal Zone, or 50 cubic yards within the Coastal Zone, and avoids slopes of 30 percent or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.
 - k. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
 - l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zone.
 - m. Receives Design Review approval for landscaping and structures, if necessary.
 - n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.
 - o. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the Department takes action as follows:
- a. If a Substantial Conformity Determination request is minor, e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, the Director issues the Coastal Development Permit or Land Use Permit.
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed Director.
6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
- a. Withdraw the request and continue with the project as approved; or
 - b. Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or apply or apply for Amendment or Revision of the original permit.
7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of that permit so require.

ATTACHMENT 1

MONTECITO COMMUNITY PLAN DEVELOPMENT STANDARDS

PART 1 - PURPOSE STATEMENT

The Montecito Community Plan is part of the Santa Barbara County Comprehensive Plan, which sets forth governing policies for existing and proposed uses of land within Santa Barbara County. The Montecito Community Plan (adopted October 6, 1992) sets out specific goals relating to community development, public facilities and services, and resources and constraints within the Montecito plan area. The Community Plan states the objectives of the goals and includes specific policies and actions to carry out those goals. Development standards adopted as a part of the Community Plan are designed to implement the stated policies and goals. In addition to the requirements of the Land Use Development Code, all planning permits for development within the Montecito Community Plan area must also be found to be in compliance with the policies and development standards.

Part 2 of Attachment 1 provides excerpts from the Montecito Community Plan. The development standards provided are not incorporated into the Montecito Land Use and Development Code. **These standards are included as an Attachment to the Montecito Land Use and Development Code to serve solely as a resource to the user.** The applicable policy or development standard reference is noted after each development standard excerpt. Where necessary for clarity of the development standard, the supporting policy language has also been provided. The complete policy text and other information may be found within the Montecito Community Plan.

Please refer to the Montecito Community Plan document for the entirety of the development standards, the policy framework from which the development standards were derived and any attachments, appendices or figures referenced with the development standards.

PART 2 - DEVELOPMENT STANDARDS

Sections:

- Applicability
- Land Use
- Air Quality
- Biological Resources
- Circulation
- Cultural Resources
- Flood Hazard Mitigation
- Grading Standards and Geologic Hazard Mitigation
- Hazards
- Noise Standards
- Site Specific Standards
- Visual Resources - Development Screening
- Water Conservation

This Chapter provides development standards from the Montecito Community Plan.

Applicability

The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Montecito Community Plan in addition to all other applicable requirements of this Development Code. All existing Countywide and Coastal Plan policies apply to the Montecito Planning Area in addition to the specific development standards emanate from policies and actions of the Montecito Community Plan identified below.

Land Use

A. General.

1. Within the Montecito Planning Area, all development not specifically exempted in the zoning code requires BAR approval. New development shall be reviewed under the Montecito Architectural

Guidelines and Development Standards, which are implemented and enforced by the County. (LU-M-1.1)

2. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. (LU-M-1.2.1)

B. Commercial.

1. Commercial designated land serving local needs shall be provided within the “Village Area” but not expanded to new sites. (LUC-M-1.1)
2. A maximum floor area ratio (FAR) of 0.25 shall be applied to parcels zoned Neighborhood Commercial (CN). A reduction to the maximum FAR, however, may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing pursuant to provision of the Neighborhood Commercial zone district6. (LUC-M-1.4)
3. A maximum FAR of 0.25 shall be applied to parcels zoned Resort-Visitor Serving (CV) in the Coastal zone, and a maximum FAR 0.10 shall be applied to parcels zoned CV in non-coastal areas. A reduction in the maximum FAR however may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum FAR shall not apply to onsite affordable housing, pursuant to provisions of the Resort-Visitor Serving Commercial zone district or for projects where a finding for a zoning ordinance variance may be made. (LUC-M-1.5)
4. Improvements to resorts Visitor serving hotels shall be designed to be consistent with the existing historic “Cottage Type Hotel” tradition from the early days of Montecito. “Cottage Type Hotel” is defined by cottages limited to six guest rooms each, which are generally single story in height. (LUC-M-1.6)
 - a. New or reconstructed cottages shall be limited to 6 units (keys) per cottage. (LUC-M-1.6.1)

- C. Educational, Institutional and other Public and Quasi-Public Uses.** All education, institution, and other public and quasi-public uses shall be developed and operated in a manner compatible with the community’s residential character. (LUED-M-1)

Air Quality

- A. Best Available Control Technology.** Construction activities in Montecito shall comply with all requirements of the Santa Barbara County Air Pollution Control District, and shall institute Best Available Control Technology where necessary to reduce emissions below Air Pollution Control District thresholds. (AQ-M-1.3.1)
- B. Dust.** The applicant shall minimize the generation of fugitive dust during construction activities by: (AQ-M-1.3.2)
1. Minimizing the amount of disturbed area;
 2. Utilizing water and or dust palliatives; and
 3. Re-vegetating and stabilizing disturbed areas as soon as possible.

Biological Resources

- A. Protection standards for all resources.** New development shall be designed, constructed, and operated to protect biological resources in compliance with the following standards.
1. **Identifying significant resources.** The Montecito Biological Resources map shall be consulted as a reference along with other relevant information during the review of development applications, to identify areas containing potentially significant biological resources. The Montecito Biological Resources Map shall be updated periodically to incorporate new information as it becomes available. (BIO-M-1.12)

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2. **Fragmentation of biological communities.** Significant biological communities shall not be fragmented into small non-viable pocket areas by development. (BIO-M-1.14)
 3. **Wildlife corridors.** In rural areas, and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors (typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas). (BIO-M-1.14.1)
 4. **Protective measures during construction.** The Review Authority shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction. (BIO-M-1.14.2)
 5. **Onsite restoration.** In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized to the greatest extent feasible, onsite restoration may be required. Restoration may also be required for lots on which development is proposed and on which disturbance has previously occurred, if currently proposed development would exacerbate an existing impact. The following policies shall be used as guidelines for the restoration effort but shall not preclude reasonable development of a lot: (BIO-M-1.14.3)
 - a. The revegetation effort shall include the appropriate diversity and density of plants native to the locality;
 - b. Restoration plans shall incorporate maintenance measures to insure that the remedial action is carried out for the duration of the impact;
 - c. When restoration is proposed, onsite rather than off-site restoration shall be the preferred alternative; and
 - d. Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever practical.
 6. **Construction monitoring.** Where sensitive or valuable biological resources exist within or border a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined necessary by the Department. (BIO-M-1.14.4)
 7. **Mitigation compliance.** As determined necessary by the Department, prior to issuance of occupancy clearance a biologist shall provide written confirmation to the Department stating that the applicant has complied with all construction-related biological resource mitigation measures. (BIO-M-1.14.5)
- B. Coastal Sage Scrub protection.** Each area of coastal sage scrub covering one or more acres shall be preserved to the maximum extent feasible. (BIO-M-1.11)
1. **General protection measures.** Development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat that would disrupt animal movement patterns, seed dispersal routes, or increase the vulnerability of species to local extirpations such as fire, flooding, disease, etc. (BIO-M-1.11.1)
 2. **Buffer requirement.** Impacts to coastal sage scrub shall be minimized by providing a minimum 10-foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where that action would preclude reasonable lot development. (BIO-M-1.11.2)
 3. **Onsite mitigation.** Onsite mitigation including revegetation, erosion and water quality protection, and other measures that would minimize the impact of development on coastal sage scrub shall be included in the project design as necessary. (BIO-M-1.11.3)
- C. Environmentally Sensitive Habitat (ESH).**
1. **Setback or buffer required.** An applicant proposing new development within 100 feet of an ESH, shall include setbacks or undeveloped buffer zones from the habitat area as part of the proposed

development, except where setbacks or buffer zones would preclude reasonable development of the lot. In determining the location, width and extent of setbacks and buffer zones, the Department shall refer to the Montecito Biological Resources Map as well as other available data (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered. ((BIO-M-1.3.1)

2. **Habit Restoration Plan for zoning violations.** If a zoning violation results in the degradation of an ESH, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed portions of an ESH area outside of a formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence. (BIO-M-1.3.2)
3. **Landscaping - Invasive species prohibited.** Landscaping that includes invasive species as identified by the California Native Plant Society list of invasive species shall be prohibited in or near ESH areas. Landscaping in an ESH area shall include compatible native species. (BIO-M-1.3.3)
4. **Sensitive species.** Where sensitive plant species and sensitive animal species are found during the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this requirement, sensitive plant species are those species which appear on a list in the California Native Plant Society's Inventory of Endangered Vascular Plants of California. Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's The Audubon Blue List (birds). (BIO-M-1.23)

D. Monarch butterfly habitats.

1. **Time limits for construction activities.** Any construction, grading or development within 200 feet of a known or historic butterfly roost shall be prohibited between November 1 and April 1. This requirement may be modified/deleted on a case-by-case basis where either the Department or additional information or studies with the approval of the Department conclude that one or more of these activities would not impact monarchs using the trees, or where the review authority determines would preclude reasonable development of the lot. (BIO-M-1.4.1)
2. **Determination of potential impacts, Roost Protection Plan.** Prior to issuance of a Coastal Development Permit or Land Use Permit for development within 200 feet of a known or historic butterfly roost, the Department shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat, based on proximity to known or historic butterfly trees. The Montecito Biological Resources map shall be considered in determining proximity as well as other available information and maps. If the project has the potential to adversely impact monarch butterfly habitat, the applicant shall submit a Butterfly Roost Protection Plan to the Department. The plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures: (BIO-M-1.4.2)
 - a. The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;
 - b. A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum, to be determined on a case by case basis. A temporary fence shall be installed at the outside of the buffer boundary. All ground disturbance and vegetation removal shall be avoided within this buffer region; and
 - c. Native vegetation shall be maintained within the buffer.
3. **Trimming and clearing vegetation.**
 - a. The trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly Habitat

or along riparian habitats shall not occur without Department review and approval. (BIO-M-1.5)

- b. A trimming or clean-up plan approved by the Department shall be required for trimming or cleaning associated with a Land Use Permit or Coastal Development Permit within 50 feet of a known Monarch butterfly habitat. The plan shall be supervised by a qualified biologist. (BIO-M-1.5.1)

E. Mountain Drive, Bella Vista sensitive hillside habitat. The habitat on the hillside area north of Mountain Drive and Bella Vista Road, and reaching the northern boundary of the Montecito Community Plan area is recognized as particularly valuable because of the presence of chaparral, sensitive native flora and riparian resources to be protected and/or preserved. Any development proposal in this area shall be designed to avoid areas which contain these habitats and/or identified sensitive species. (BIO-M-1.13)

F. Raptors.

1. **Nest and roost protection.** Trees serving as known raptor nesting or key raptor roosting sites shall be preserved and protected from damage or removal to the maximum extent feasible. (BIO-M-1.18.2)
2. **Buffer requirement.** A buffer of sufficient dimensions, as determined by the Department on a case-by-case basis, shall be established around trees serving as raptor nesting sites or key roosting sites, except where the review authority determines that a buffer would preclude reasonable development of a lot. (BIO-M-1.18.1)

G. Riparian habitats.

1. **Buffer requirement.** Riparian vegetation shall be protected as part of a stream or creek buffer. Where riparian vegetation has previously been removed (except for channel cleaning necessary for free-flowing conditions as determined by the Flood Control District), the buffer shall allow the reestablishment of riparian vegetation to its prior extent to the greatest degree possible. The restoration of degraded riparian areas to their former state shall be encouraged. (BIO-M-1.6)
2. **Buffer dimensions.** The minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank, and for streams in Urban Areas, 50 feet. The review authority may adjust these minimum buffers upward or downward on a case-by-case basis but shall not preclude reasonable development of a lot. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board, to protect the biological productivity and water quality of streams:

- a. Soil type and stability of stream corridors;
- b. How surface water filters into the ground;
- c. Slope of the land on either side of the stream;
- d. Location of the 100 year flood plain boundary; and
- e. Consistency with adopted plans, particularly applicable Biology/Habitat policies.

The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area. (BIO-M-1.8)

3. **Specific required protection measures.** The riparian protection measures required for a specific project shall be based on the proximity of the project to riparian habitat and the project's potential to directly or indirectly damage the riparian habitat through activities related to a Land Use Permit or Coastal Development Permit including grading, brushing, construction, vehicle parking, supplies or equipment storage, or the proposed use of the property. Damage could include vegetation removal or disturbance, erosion and sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to the initiation of any grading or development

activity associated with a Land Use or Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense, unless the County finds that this measure is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers). Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region. (BIO-M-1.6.1)

4. **Onsite restoration.** The onsite restoration of any project-disturbed buffer or riparian vegetation within a creek in the Montecito Community Plan area shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules. (BIO-M-1.6.2)
5. **Structures within riparian habitat.** No structure shall be located within a riparian corridor except public trails that would not adversely affect existing habitat; dams necessary for water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety; or other development where the primary function is for the improvement of fish and wildlife habitat and where this requirement would preclude reasonable development of a lot. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent. (BIO-M-1.7)
6. **Development within stream corridors.** All development, including dredging, filling and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Subsection E.5. When those activities would require removal of riparian plant species, revegetation with local native plants shall be required on both banks and extending outward 25 feet from each top of bank, except where it would preclude reasonable development of a lot. (BIO-M-1.10)

H. Tree protection.

1. **Specimen tree preservation.** Specimen trees shall be preserved to the maximum extent feasible. For the purposes of this requirement, specimen trees are defined as mature trees that are healthy and structurally sound, and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible. (BIO-M-1.15, BIO-M-1.15.1)
2. **Native tree preservation.** All existing native trees that have biological value shall be preserved to the maximum extent feasible, regardless of their size. (BIO-M-1.16)
3. **Oak tree protection.** Oak trees shall be protected to the maximum extent feasible, because they are particularly sensitive to environmental conditions. All land use activities, including agriculture shall be carried out in a manner to avoid damage to native oak trees. The regeneration of oak trees shall be encouraged. (BIO-M-1.17)
4. **Oak woodland protection.** Oak woodlands shall be protected as habitat rather than as individual trees. Emphasis shall be placed on preservation and enhancement of oak woodlands as they provide habitat for numerous plant and animal species.
 - a. **Oak woodlands defined.** Oak Woodlands are defined for the purposes of this Section as stands dominated by Coast Live Oak (*Quercus agrifolia*) and other trees native to oak woodlands (including vegetation transition zones) which form a closed canopy of a minimum of one acre and are not surrounded by or heavily influenced by urban development including structures or roads, and where the understory has not been permanently disturbed (e.g., by structures or roads). A general description of the characteristics of oak woodlands

and a list of typical understory vegetation for oak woodlands in Montecito is in Montecito Community Plan Appendix D (Excerpted from California vegetation, 4th Edition by V.L. Holland pg 172-176; 1990). (BIO-M-1.19)

- b. Buffer requirement.** A minimum 25-foot buffer around oak woodlands shall be maintained, except where it would preclude reasonable development of a lot. Structures, roads, and non-native landscaping shall be prohibited within the buffer area except where it would preclude reasonable development of the lot. Grading and other site preparation activities shall not be allowed within six feet of an oak woodland, except where it would preclude reasonable development of a lot. (BIO-M-1.19.1)

- 5. Tree Protection Plan.** Where native trees of biological value may be impacted by new development (either through ministerial or discretionary project approval), a Tree Protection Plan shall be required.

- a. When required.** The decision to require preparation of a Tree Protection Plan shall be based on the location of the native trees and the project's potential to directly or indirectly damage the trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property.
- b. Plan content and requirements.** The Tree Protection Plan shall be based on the County's Tree Protection Plan standards and shall include a graphic depiction of the Tree Protection Plan elements on final grading and building plans (Existing landscaping plans submitted to County Board of Architectural Review (BAR) may be sufficient). A report shall be prepared by a County approved arborist/biologist that indicates measures to be taken to protect affected trees where standard measures are determined to be inadequate. If necessary, an appropriate replacement/replanting program may be required.
- c. Plan preparation and review.** A Tree Protection Plan shall be developed at the applicant's expense. The plan shall be approved by The Department prior to issuance of a Land Use or Coastal Development Permit. (BIO-M-1.16.1)

- I. Wetlands.** Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition whenever feasible. (BIO-M-1.9)

Circulation

- A. Pedestrian and bicycle access.** Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths. (CIRC-M-1.8.1)
- B. Trails.**
 - 1. Designated trail corridors shall be kept clear from encroachment by new uses or development to the extent reasonably feasible. (PRT-M-1.5.1)
 - 2. Recreational trail corridors shall be protected for future use by conditions placed upon all development which may directly affect the designated trail corridors to require a permanent dedication of useable public trails through the trail corridors. (PRT-M-1.5.2)

Cultural Resources.

- A. Archaeological resource determination.** Prior to the issuance of a Land Use or Coastal Development Permit, the Department shall determine whether the project site is either a known or part of a known archaeological site, or is in an area with potential archaeological resources. This shall be determined by consulting the Department for archaeological surveys of the area that would provide this information.
- B. Survey required.** If the site is in an area that is likely to contain archaeological resources and there has not yet been a Phase I survey of the property, the applicant shall fund the preparation of a Phase I survey by a Department-qualified archaeologist, unless this requirement is specifically waived by the Department based upon their professional opinion that the Phase I survey is not needed to avoid archaeological

resources. All recommendations of an archaeological report analysis, including the completion of additional archaeological analysis (i.e., Phase 2, Phase 3) and/or project redesign shall be implemented or incorporated into the proposed project prior to the issuance of a Land Use Permit or Coastal Development Permit. (CR-M-2.1.1)

Flood Hazard Mitigation

- A. Onsite drainage systems.** For any new development where the building site would be subject to adverse drainage impacts from surrounding properties, or that would create offsite drainage impacts, an onsite drainage system shall be designed by a registered civil engineer and approved by the County Flood Control District to intercept drainage (e.g., perimeter troughs and/or drain inlets) and to safely deliver the runoff to the nearest public drainage, as determined by the County Flood Control District. (FD-M-4.5.1)
- B. Drainage system improvements.** For any proposed new development which would be constructed prior to the emplacement of Master Drainage Plan improvements to serve the project, the developer shall be responsible for constructing certain drainage system elements in order to control project runoff. (FD-M-4.5.2)
- C. Hillside erosion.** To prevent hillside erosion, removal of vegetation on slopes 20 percent or greater shall be limited to that necessary for fire protection and for reasonable development of the parcel. (FD-M-1.1)
- D. Groundwater recharge.** Development shall be designed to minimize the threat of onsite and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible. (FD-M-2.1)
- E. Flood control measures.** New development shall be located in a manner that minimizes the need for flood control measures. (FD-M-2.2)
- F. Stream alterations.** No further concrete channelization or major alterations of streams shall be permitted. (FD-M-4.6)

Grading Standards and Geologic Hazard Mitigation

- A. Earthquake faults.** Construction within fifty feet of Historically Active and Active Fault traces shall be avoided. The County shall require special engineering features to minimize potential structural damage from fault rupture for any structure which cannot avoid faults. (GEO-M-1.4)
- B. MBAR review required.** The Department shall not issue a Land Use Permit for the grading of roads or individual building pads until the structure has received Final MBAR approval. (GEO-M-1.5.1).
- C. Grading Plan contents.** Prior to the issuance of a grading permit, the review authority shall determine which, if any of the following measures shall be incorporated into the grading plan. This decision shall be based on the project's proximity and potential impact to sensitive habitats (e.g., riparian) and the presence of steep slopes, erosive soils, etc., on or adjacent to the site. Consideration shall be given to all activities that would likely occur as part of the permit being considered, including grading, brushing, construction, vehicle parking, supply/equipment storage and trenching.
 - 1. Sediment, silt and grease traps (where vehicle oils or fuels may be leaked) shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters would address short-term construction and long-term operational impacts; (GEO-M-1.5.3)
 - 2. Temporary, low cost erosion control, such as hay bales and debris fencing shall be installed within unpaved areas during the rainy season (typically from November to March) whenever the treat of erosion and sediment movement into drainage exists; and
 - 3. Graded slopes shall be temporarily seeded with non-invasive or naturalized annual grasses if landscaping is delayed past the onset of the rainy season.
- D. Drainage plan for steep slopes.** A drainage plan shall be required for all development on slopes of 20 percent or greater, to minimize landslide, soil creep and erosion hazards. (GEO-M-1.5.2)

- E. Landscape plan for steep slopes.** Landscape plans required for all new development on slopes greater than 20 percent shall strive to ensure revegetation of graded areas. Each landscape plan shall be subject to review by the Montecito BAR. (GEO-M-1.5.4)
- F. Excessive grading.** Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. (LU-M-1.2)

Hazards

The review authority shall consider the potential for exposure to radon gas during project review by determining if the site is in an area overlying a geologic formation that is a known source of radon gas (e.g., Rincon Formation) based on the most up-to-date geologic maps of the Montecito area accepted by the Department. If the site is located in such an area, the Review Authority shall require as conditions of approval that: (GEO-M-2.1.1)

- A. Electromagnetic fields (EMF).** In reviewing permits for EMF sensitive uses (e.g., residential, schools, etc.), the Department shall require an adequate building setback from EMF-generating sources to minimize exposure hazards. The Department shall consult with Southern California Edison and County/State Health Services and outside experts as needed, on the appropriate setback from power lines and substations. The setback shall be based upon measurements of magnetic fields created by the EMF source and shall be established so as not to expose the public to elevated levels of EMF. (E-M-1.1, E-M-1.1.1)
- B. Construction Standards.** Any construction standards determined by the Division of Building and Safety as necessary to reduce the potential for exposure to radon gas; and
- C. Noticing.** A notice be placed on the property title stating that the property overlies a geologic formation which is a source of radon gas, and that structures should be periodically tested for the presence of the gas.

Noise Standards

- A. Hours of construction.** All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only. (N-M-1.1.1)
- B. Noise mitigation methods.** Significant noise impacts upon new noise sensitive land uses (as defined by the Noise Element) shall be avoided through the provision of sound shielding and/or adequate design that provides sufficient attenuation, or through the proper siting of structures to avoid areas of elevated ambient noise. (N-M-1.1.2)

Site Specific Standards

- A. Hosmer Adobe Parcel (009-060-049).**
 - 1. Hosmer Adobe shall be preserved, as a community resource and shall not be removed or damaged.
 - 2. A Phase I survey shall be performed and the County's Cultural Resource Guidelines shall be followed.
 - 3. New development shall utilize low-flow plumbing fixtures and maximize the use of drought-tolerant species and low water use irrigation for landscaping.
 - 4. Development shall be sited and designed to avoid the removal of native and non-native trees. If such trees are damaged or removed, an RMD approved tree replacement program shall be implemented consistent with the policies and development standards of the Montecito Community Plan.
 - 5. A landscape plan including the preservation of large scenic trees within development areas and along San Ysidro Road shall be implemented, and if necessary, a landscape buffer along San Ysidro Road shall be provided.

6. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or construction techniques to reduce interior noise levels.
7. A construction emissions program shall be implemented. The program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.
8. Development shall be subject to Fire Department review and approval; Fire Department standards and special conditions shall be followed and implemented.
9. The applicant shall contribute an amount as specified by the Public Works Transportation Division calculated on a per peak hour trip basis to be combined with County, State and Federal funds for future road improvements in the Montecito Planning Area.

B. South Jameson (Hammond) Property (009-320-003 and -004).

1. Development shall be clustered on the northern portion of the property adjacent to South Jameson Lane. The remaining portion of the property should be allocated to open space with the intent of continuing organic farming on the site to the extent feasible.
2. Development shall be clustered in a manner such as to:
 - a. Provide unobstructed views of the open space area from South Jameson Lane;
 - b. Allow access to the rear portion of the site;
 - c. Adequately buffer any organic farming operations from the residences;
 - d. Preserve to the extent feasible existing specimen and native trees on the site.
3. If applicable, potential buyers of the residential units shall be notified through a notice on their property title that organic farming may occur on the site;
4. Improvements to the San Ysidro Road overpass shall be required prior to the development of the site.
5. To minimize increased noise, lighting, etc. and loss of privacy for uses to the west, all new development shall be sited and designed in a manner that least impacts existing development.
6. The applicant shall contribute an amount as specified by the Public Works Department Transportation Division calculated on a per peak hour trip basis to be combined with County, State, and Federal funds for future road improvements in the Montecito Planning Area.
7. Development shall be set back at least 50 feet from Montecito Creek's top of bank, and the creek shall be revegetated with appropriate native species.
8. Flood Control District standards and conditions shall be implemented.
9. A landscape plan including to the extent feasible, the preservation of oak trees within development areas and along South Jameson Road shall be implemented, and if necessary, a landscape buffer along South Jameson Road shall be provided.
10. A Phase I survey shall be performed and development shall adhere to the County's Cultural Resource Guidelines.
11. An acoustical analysis shall demonstrate that all new development is sited and designed to reduce both interior and exterior noise levels to below County standards. This may be accomplished through a variety of approaches including setback of units and exterior living spaces from the noise corridors, orientation of units away from noise sources, use of soundwalls and/or berms in the landscape plan, and/or, construction techniques to reduce interior noise levels.

12. Noise generating construction activities shall be limited to the hours between 7:30 to 4:30, Monday through Friday.
13. A construction emissions program shall be implemented. This program shall include keeping graded areas damp with reclaimed water during excavation, revegetating graded areas, covering soil stockpiles and tarping trucks transporting fill.
14. Fire Department standards and conditions shall be followed and implemented.

Visual Resources - Standards

- A. Visibility of new structures.** New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads. (LU-M-2.1)
- B. Screening.** In order to maintain the naturalized landscape currently characteristic of Montecito's residential roadways, new structures and onsite parking areas in residential areas shall be screened from view from adjacent public roadways to the maximum extent feasible, by careful site planning and landscaping. (LU-M-2.1.1)
- C. Lighting.** Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community. (LU-M-2.2)
- D. Community character.** All educational, institutional, and other public & quasi-public uses shall be developed and operated in a manner compatible with the community's residential character. (LUED-M-1.1)
- E. Mountain views.** Development shall be subordinate to the natural open space characteristics of the mountains. (VIS-M-1.1)
- F. Grading.** Grading required for access roads and site development shall be limited in scope so as to protect the viewshed. (VIS-M-1.2)
- G. Open space views.** Development on property should minimize impacts to open space views as seen from public roads and viewpoints. (VIS-M-1.3)
- H. Water tanks.** In hillside areas where water tanks are required for structural fire fighting purposes, tanks should be designed to:
 1. Blend in with natural land forms;
 2. Not impinge on the view shed; and
 3. Be screened by landscaping.

Water Conservation

Each required landscape plan shall include drip irrigation systems and/or other water saving irrigation systems. (WAT-M-1.2.1)



COUNTY OF SANTA BARBARA COASTAL ZONING ORDINANCE

ARTICLE II OF CHAPTER 35 SANTA BARBARA COUNTY CODE

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Planning & Development Department

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Attachment C STB-MAJ-1-09-A and -B Certified Zoning Code (Article II)

NOTE:

This document is updated on a periodic basis in order to include new amendments adopted by the Board of Supervisors and certified by the California Coastal Commission. Recently adopted amendments may not yet be incorporated into this copy. Please inquire with the Permit & Zoning Information Counter, located on the second floor at 123 East Anapamu Street, Santa Barbara, or at 624 West Foster Road, Suite C, Santa Maria, for information on amendments approved subsequent to the “Republished” or “Replacement Pages” date shown on the front of this publication.

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DIVISION 1. IN GENERAL.

Sec. 35-50. Title and Purpose.

The regulations contained in this Article shall be known as and referred to as the "Coastal Zoning Ordinance of Santa Barbara County."

Pursuant to Public Resources Code Section 30500 of the California Coastal Act of 1976, this County must prepare a local coastal program (LCP) for that portion of the unincorporated area of the County within the Coastal Zone. County's local coastal program must include: (1) the Land Use Plan (LUP), which is the local coastal element (Public Resources Code Section 30108.55) of the County's general plan (Public Resources Code Section 30108.5); (2) a zoning ordinance, which is this Article, and (3) zoning district maps which apply the regulations of this ordinance to property, which when taken together, meet the requirements of and implement the provisions and policies of the Coastal Act of 1976, Public Resources Code Section 30108.6.

On March 17, 1981, the California Coastal Commission, pursuant to Public Resources Code Section 30512(d), certified most of County's Land Use Plan. The next step required in the preparation of the Local Coastal Program is the preparation and adoption by County of this zoning ordinance, which will implement the certified Land Use Plan by classifying and regulating the uses of land, buildings, and structures within the Coastal Zone.

The purposes of this ordinance are to:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and manmade resources.
2. Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of this County and of the State.
3. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
4. Assure priority for coastal-dependent and coastal-related development over other development on the coast.
5. Provide a definite plan for development so as to guide the future growth of the County within the Coastal Zone.
6. Protect the character and stability (social and economic) of agricultural, residential, commercial, and industrial areas.

Sec. 35-51. Applicability and Exemptions.

Any person (including the County, any utility, any federal, state, local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Zone of the unincorporated area of the County of Santa Barbara shall comply with the provisions of this Article with the following exceptions:

1. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 U.S.C. Section 1453, Federal Coastal Zone Management Act of 1972)
2. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission. (Public Resources Code Section 25500 and 30264)
3. Any development proposed or undertaken within any state university or college. (Public Resources Code Section 30519)
4. Repair and maintenance, other than that within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board of Supervisors of County is the governing body.

Sec. 35-52. Zoning District Designations and Applicability. *(Amended by Ord. 4557, 12/7/04)*

The general categories of districts established by this Article, the individual districts, and the symbols used to represent said districts, are as follows:

1. Agricultural Districts

AG-I Agriculture I

AG-II Agriculture II

2. Residential Districts

RR Rural Residential

R-1/E-1 Single-Family Residential

R-2 Two-Family Residential

EX-1 One-Family Exclusive Residential

DR Design Residential

PRD Planned Residential Development

SR-M Medium Density Student Residential

SR-H High Density Student Residential

MHP Mobile Home Park *(Added by Ord. 4588, 6/14/07)*

3. Commercial Districts

C-1 Limited Commercial *(Amended by Ord. 4318, 6/23/98)*

C-2	Retail Commercial
CH	Highway Commercial
C-V	Resort/Visitor Serving Commercial
PI	Professional and Institutional

4. Industrial Districts

M-RP	Industrial/Research Park
M-CD	Coastal Dependent Industry
M-CR	Coastal Related Industry <i>(Added by Ord. 3947, 11/19/91)</i>

5. Other Districts *(Amended by Ord. 4588, 6/14/07)*

PU	Public Utilities
REC	Recreation
RES	Resource Management
TC	Transportation Corridor

The regulations of this Article shall be applied to land upon the adoption of zoning ordinances adopted pursuant to Section 35-54. The boundaries of the districts and the district symbols are delineated on the zoning maps in said zoning ordinances. The district regulations corresponding to the symbol so shown shall apply within district areas delineated on said zoning maps.

Sec. 35-53. Overlay District Designations and Applicability.

In addition to the regulations governing the zoning districts described in Section 35-52, the following overlay districts and the symbols used to represent them on the zoning maps are established as follows: *(Amended by Ord. 4266, 6/24/97, and Ord. 4557, 12/7/04)*

SD	Site Design
FA	Flood Hazard Area
VC	View Corridor
ESH	Environmentally Sensitive Habitat Area
D	Design Supervision
ARC	Agriculture Residential Cluster
F	Airport Approach Area

ARC-CI	Agriculture Residential Cluster - Channel Islands
SF	Single Family Restricted
HWMF	Hazardous Waste Management Facility <i>(Added by Ord. 4045, 5/19/92)</i>
AH	Affordable Housing <i>(Amended by Ord. 4169, 10/11/94)</i>
HC	Highway 101 Corridor <i>(Added by Ord. 4388, 5/18/99)</i>
CA	Carpinteria Agricultural Overlay District <i>(Added by Ord. 4529, 4/20/04)</i>

The regulations of the overlay district shall apply to the land in the same manner as the zoning district regulations. Overlay district regulations shall apply wherever the symbol and the boundaries of the area are shown on the zoning maps. When a symbol for an overlay district is added to a zoning district symbol, the regulations of the overlay district shall be applicable in addition to the zoning district regulations. If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern. Exceptions may be made for the AH Overlay District provided that the overlay shall be applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. The provisions of the ESH Overlay District are more restrictive than any base zone district and therefore the provisions of the ESH shall govern over the regulations of any base zone or other overlay district. The provisions of the HC Overlay District apply only to development within the Highway 101 Corridor described in Section 35-102E.3. *(Amended by Ord. 4169, 10/11/94 & Ord. 4388, 5/18/99)*

Sec. 35-54. Adopting Zoning Ordinances and Maps and Uncertainties District Boundaries.

1. Zoning ordinances and maps delineating the boundaries of districts set forth in this Article and designating, by symbols, the zoning districts and overlay districts shall be adopted by references and by such adoption shall become a part of this Section and shall have the same force and effect as if the provisions, boundaries, location, and lines of the districts and territory therein delineated and all provisions, notations, references, and other information set forth in said ordinances and set forth and shown on said maps were specifically and fully set out and described in this Section.
2. The following eight large zoning maps and seven large zoning overlay maps, which rezone the unincorporated area of the County lying within the Coastal Zone, are hereby adopted by reference into this Section with the following titles and section numbers:
 - a. Carpinteria Rural Region Zoning Map (Section 35-204.2.8 and Section 35-54.1.19) and Overlay (Section 35-54.2). *(Amended by Ord. 4339, 10/27/98)*
 - b. North Gaviota Coast Rural Region Zoning Districts Map (Section 35-54.70.0) and Point Conception Coastal Plan Overlay (Section 35-54.10). *(Amended by Ord. 4339, 10/27/98)*
 - c. Santa Maria Rural Region Zoning Districts Map (Section 35-54.30.0) and Overlay (Section 35-54.12). *(Amended by Ord. 4339, 10/27/98)*

- d. Channel Islands Coastal Plan: Zoning (Section 35-54.13).
 - e. Gaviota Coast Rural Region Zoning Districts Map (Section 35-54.60.0) and Overlay (Section 35-54.15) and Overlay (Section 35-54.10). *(Amended by Ord. 4339, 10/27/98)*
 - f. Summerland Community Plan: Zoning - Articles II and III (Section 35-54.16) and Overlay (Section 35-54.17). *(Added by Ord. 4034, 5/19/92)*
 - g. Montecito Community Plan: Zoning - Article II (Section 35.54.3.6), Overlay (Section 35.54.4.5), and ESH Overlay (Section 35-54.5). *(Added by Ord. 4081, 12/15/92)*
 - h. Goleta Community Plan Zoning Districts Southern Section-Coastal Plan (Section 35-54.20.0), Goleta Community Plan Overlay Districts-Coastal Zone (Section 35-54.21.0), and Goleta Community Plan Environmentally Sensitive Habitat Land Use Overlay Southern Section-Coastal Zone (Section 35-54.22.0). *(Added by Ord. 4110, 7/20/93)*
 - i. Santa Barbara Area Zoning and Zoning Overlay (Section 35-54.7.8). *(Added by Ord. 4110, 7/20/93)*
 - j. Lompoc Valley Rural Region Zoning Districts Map (Section 35.54.70.0) and Overlay (Section 35-54.2). *(Added by Ord. 4339, 10/27/98)*
3. Where uncertainty exists as to the boundaries of any districts shown on the zoning maps, the following rules shall apply:
- a. Where zoning district boundaries approximately follow lot, alley, or street lines, such lot lines and street and alley centerlines shall be construed as the district boundaries.
 - b. If a zoning district boundary divides a lot and the boundary line location is not otherwise designated, the location of the boundary shall be determined by use of the scale appearing on the Zoning Map.
 - c. Where a public street or alley is officially vacated or abandoned, the property formerly in said street or alley shall be included within the district or districts of the adjoining property on either side of said vacated or abandoned street or alley centerline.

Sec. 35-55. Incorporation of Existing Zoning Ordinances and Continuation of Existing Development Plans and Plot Plans.

- 1. All the Sections of zoning ordinances previously adopted which added development plans and zone district text provisions applicable to particular property by amendments of Article IV of Ordinance No. 661 or 3.1 of Ordinance No. 453 of the County of Santa Barbara are hereby incorporated by reference into this section and shall have the same force and effect as if the provisions of said sections were specifically and fully set out in this Section.
- 2. Development Plans and Plot Plans which have received County approval prior to February 1, 1973, or have received a Coastal Development Permit from the State Coastal Commission shall continue in force and effect as if they were approved under the provisions of this Article.

Sec. 35-56. Conflicts within this Article or with Other County Regulations.

If any conflict occurs between one or more provisions of this Article, such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.

If any provisions of this Article conflicts with any provision of any regulation contained in any previously adopted ordinance of the County, the provisions of this Article shall be controlling.

Sec. 35-57. Fees.

The Board of Supervisors of County shall establish by resolution a schedule of fees for processing the various applications required by this Article. All required fees shall be paid at the time of filing the application with the Department of Planning and Development and no processing shall commence until the fee is paid.

DIVISION 2. DEFINITIONS.

Sec. 35-58. Definitions.

For the purpose of this Article, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory; and the word "may" is permissive.

ABANDONED (OR ABANDONMENT): As used in Section 35-170 of this Article, shall mean the discontinuance of any permitted land use, or any independent business function of a permitted land use, and there is no evidence of a clear intent on the part of the owner to restart operations of the permitted land use, or the independent business function of a permitted land use. *(Added by Ord. 4550 9/21/04)*

ABUT: To physically touch or border upon; or to share a common property line.

ACCESSORY AGRICULTURAL BUILDING OR STRUCTURE: An accessory building or structure containing no kitchen or cooking facilities and designed and constructed primarily for use and used in housing farm implements or supplies, hay, grain, poultry, livestock or horticultural products where such buildings or structures are located in agriculturally zoned areas as designated by County zoning ordinances. *(Amended by Ord. 3824, 3/20/90, Ord. 4067, 8/18/92)*

ACCESSORY BUILDING OR STRUCTURE: A building or structure located upon the same building site as the building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land. Such buildings or structures shall not contain kitchen or cooking facilities and shall not be used as guest houses, artists studios, or poolhouses/cabanas, unless specifically permitted for such uses, under the pertinent sections of this Article. Except for guesthouses, such buildings or structures shall not be used for overnight accommodations. *(Amended by Ord. 4067, 8/18/92)*

ACCESSORY USE: A use that is incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or adversely affect other properties in the zone. *(Amended by Ord. 3834, 3/20/90)*

AGGRIEVED PERSON: Any person who, in person or through a representative, appeared at a public hearing of the local government in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his concerns or who for good cause was unable to do either.

AGRICULTURE: The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, 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 Section 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. *(Amended by Ord. 3834, 3/20/90; Ord. 4557, 12/7/04)*

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AIRPORT: Any area of land or water designed and set aside for the landing and taking off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY: A passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

AMATEUR RADIO STATION: A radio station operated in the Amateur Radio Service under license by the Federal Communication Commission. *(Added by Ord. 4588, 6/14/07)*

AMINE COLUMN OR TOWER: A tall, cylindrical vessel used to remove contaminants, such as hydrogen sulfide and carbon dioxide, from natural gas with the use of amines. *(Added by Ordinance No. 4622, May 10, 2007)*

ANTENNA: Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves. *(Added by Ord. 4263, 6/24/97; amended by Ord. 4588, 6/14/07)*

ANTENNA ENVELOPE: The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure. *(Added by Ord. 4263, 6/24/97)*

ANTENNA SUPPORT STRUCTURE: A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna(s) used for the transmission and reception of electromagnetic waves. *(Added by Ord. 4263, 6/24/97; amended by Ord. 4588, 6/14/07)*

APARTMENT: A room or suite of rooms within a building comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, occupied or suitable for occupation as a residence for living and sleeping purposes.

APPURTENANT STRUCTURE: A structure that is auxiliary or accessory to another structure or use.

AQUACULTURE: Aquaculture is the culture of plants and animals in an aquatic medium.

APPEALABLE DEVELOPMENTS: *(Amended by Ord. 4595, 3/5/08)*

- (1) Developments approved by the County between the sea and the first public road paralleling the sea or 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 the greater distance.
- (2) Developments approved by the County not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This includes, but is not limited to, developments approved by the County that require a Conditional Use Permit.
- (4) Any development which constitutes a major public works project or a major energy facility. (See definition).

ARCHITECTURAL ELEMENT: A portion of a building that exceeds the height limit and

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extends beyond the roof of the building. *(Added by Ord. 4581, 6/14/07)*

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. *(Amended by Ord. 4557, 12/7/04)*

ATTACHED BUILDING: A building having at least five lineal feet of wall serving as a common wall with the building to which it is attached. *(Amended by Ord. 3834, 3/20/90)*

ATTACHED RESIDENTIAL SECOND UNIT: A residential second unit that shares a common wall with the principal single family dwelling. *(Added by Ord. 3395, 8/8/93; amended by Ord. 4186, 3/14/95; Ord. 4517, 12/2/03)*

AUTO WRECKING YARD: See JUNK YARD.

AUTOMOBILE SERVICE STATION: A retail place of business engaged in supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and the fulfilling of motorists needs. These include sale of hydrocarbon products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded. Such incidental products may include non-auto related items such as refreshments provided the floor area devoted to such items is no greater than 100 square feet. *(Amended by Ord. 4067, 8/18/92)*

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story if more than one-half of its height is above the average level of the adjoining ground.

BATHROOM: A restroom which also contains bathing facilities. *(Amended by Ord. 3834, 3/20/90)*

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets, and a railroad right-of-way, water course or body of water.

BOARDING HOUSE: A building where the business of keeping boarders is generally carried on and which is held out, by the owner or keeper as a place where boarders are kept.

BUFFER: A designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A buffer strip is measured horizontally from the banks or high water mark of the stream landward.

BUILDING: A structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal or chattel. A trailer shall not constitute a building within the meaning of this Article.

BUILDING SITE: A single parcel of land in one ownership, occupied or intended to be occupied by a building or structure.

BUSINESS PLAN: A plan which each business with specified quantities of hazardous materials (including wastes) must prepare under Chapter 6.95 of the California Health and Safety Code. The business plan must include an inventory of hazardous materials onsite, an emergency

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response plan and employee training procedures. *(Added by Ord. 4046, 5/19/92)*

BUSINESS SIGN OR STRUCTURE: Any sign or structure designed, intended or used for advertising the particular business, product or service located or sold on the same premises as that on which the sign or structure is located.

CABAÑA: A building, the use of which is incidental and accessory to the use of the beach, a pool, or a sports court (e.g., tennis, basketball, handball, and other similar facility) that may include bathrooms, but excludes sleeping quarters and/or cooking facilities. *(Added by Ord. 4298, 3/24/98)*

CARPINTERIA VALLEY CONSOLIDATED PLANNING AREA (CVCPA): An oil and gas planning region that is bounded by the Santa Barbara/Ventura County boundary to the east, the three-mile offshore limit line to the south, the City of Santa Barbara eastern boundary to the west, and the ridge of the Santa Ynez Mountains to the north. *(Added by Ord. 3497, 11/19/91)*

CENTER LINE OF STREET: The center line of a street or highway as established by the County Surveyor of the County or the City Engineer of any City within the County or by the California Department of Transportation. Where no right-of-way lines have been so established, the centerline of the traveled way shall be construed as the centerline. The centerline of the service road of a freeway or limited access highway shall be defined as the centerline of the traveled way of such service road.

CERTIFIED FARMER'S MARKET: A location and operation where agricultural products are sold by producers or certified producers directly to consumers pursuant to State of California Direct Marketing Regulations (Section 1392 *et seq.*, of Title 3 of the California Code of Regulations) and the provisions of this Article. *(Added by Ord. 4086, 12/15/92)*

CHILD CARE CENTER, NON-RESIDENTIAL: Any state licensed child care facility, other than a family day care home, where group care is provided for children in a structure not used as a residential dwelling unit. Child Care Centers may include, but are not limited to, infant centers, pre-schools, and extended day-care facilities. *(Added by Ord. 4067, 8/18/92)*

CHILD CARE CENTER, RESIDENTIAL: Any state licensed child care facility, other than a family day care home, where group care is provided in a residence for more than 12 children, including children who reside at the home. Child Care Centers may include, but are not limited to, infant centers, pre-schools, and extended day-care facilities. *(Added by Ord. 4067, 8/18/92)*

CHILD CARE FACILITY: Facilities providing non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of the individual on less than a 24-hour basis. Child care facilities include family day care and residential and non-residential child care centers. *(Added by Ord. 4087, 8/18/92)*

CLINIC: Any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

CLUB: An organization, group or association supported by the members thereof, having as a primary purpose the promotion of some common object such as literature, science, politics or

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good fellowship, but not including organizations, groups or associations the chief activity of which is to render a service customarily carried on as a business or formed for the purpose of providing housing for its members.

COASTAL ACT: The California Coastal Act of 1976 commencing with Section 30000 of the Public Resources Code and following.

COASTAL COMMISSION: The California Coastal Commission created by and operating under the Coastal Act of 1976.

COASTAL-DEPENDENT DEVELOPMENT OR USE: Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

COASTAL-RELATED DEVELOPMENT: Any use that is dependent on a coastal-dependent development or use.

COASTAL DEPENDENT RECREATION: Activities which require a coastal location in order to occur, i.e., ocean swimming, surfing, scuba diving, fishing, boating, beach activities, and nature study.

COASTAL RELATED RECREATION: Activities which are popular in coastal locations but also occur inland, e.g., ORV's (dune buggies), picnicking, bicycling, walking, jogging and camping.

COASTAL ZONE: That land and water area of the County of Santa Barbara extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland to the boundary shown on the official Coastal Zoning Maps, as amended from time to time.

COMMERCIAL LIVESTOCK FEED YARD: A place where livestock are confined for feeding.

COMMERCIAL VEHICLE: A vehicle or article of equipment used primarily in conjunction with a business or industrial use, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in residential or agricultural districts.

COMMUNITY APARTMENT: A development of real property in which an undivided interest in land is coupled with the right of exclusive occupancy of a designated apartment located thereon and therein.

CONDITIONAL USE: A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site. (Amended by Ord. 3834, 3/20/90)

CONDOMINIUM: An estate in real property consisting of a separately owned interest in a portion of a parcel of real property or building, including residences, apartments, offices or stores. A condominium may include, in addition, a separate legally protected interest in other portions of real property.

CONFERENCE CENTER: A building or group of buildings with appurtenant land and

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structures, used for the purpose of providing conference facilities for persons assembled for periods of not to exceed 60 days for study and discussion of educational, religious, economic, scientific, charitable, or governmental subjects, including music, art and drama, and shall include the necessary housing, feeding, classroom, and recreational facilities accessory and incidental thereto. A conference center shall not be used for sale promotional groups or for groups assembled primarily for social purposes. The 60 day limitation may be extended in special circumstances by the Board of Supervisors on recommendation by the Planning Commission.

CONJUNCTIVE USE: The joint siting and use of property, structures, and/or parking for two or more non-residential land uses where the hours of operation and demand for parking or services are such that efficiency and economy in services and land use is achieved. Typically the site is designed, and the days and hours of operation of the individual uses are collaboratively scheduled, so that a single site can serve more than one use. *(Added by Ord. 4086, 12/15/92)*

COUNTY: The County of Santa Barbara.

COURT: An open, unoccupied space other than a yard on the same lot with a building or buildings, and which is bounded on two or more sides by such building or buildings.

DAIRY: A place where three or more cows or goats are maintained for the purpose of producing milk or other dairy products for sale.

DAY CARE CENTER: See Child Care Center. *(Added by Ord. 4067, 8/18/92)*

DECISION MAKER: The designated official or official body having jurisdiction for a project under the authority of this Article. *(Added by Ord. 4227, 6/18/96)*

DETACHED BUILDING: A building, no part of which is attached to any other building.

DETACHED RESIDENTIAL SECOND UNIT: A residential second unit that is not attached to the principal single family dwelling by a common wall. *(Added by Ord. 4169, 10/11/94; amended by Ord. 4186, 3/14/95; Ord. 4517, 12/2/03)*

DETERMINATION, USE: An action by the Planning Commission, appealable to the Board of Supervisors, determining and/or finding that a use which is not specified as a permitted use in a zone district is similar in nature and/or character to the other permitted uses in that zone district and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use. *(Added by Ord. 4298, 3/24/98)*

DEVELOPMENT: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of 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 use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan

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submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

DINING COMMONS: A facility accessory to a residence hall and used primarily for the purpose of preparing and serving food to the occupants thereof and which excludes service to the general public.

DIRECTOR: Director of the Santa Barbara County Planning and Development Department, including designees of the Director. *(Amended by Ord. 4595, 3/5/08)*

DISTILLATION COLUMN OR TOWER: A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat. *(Added by Ordinance 4622, 5/10/07)*

DRIVE-THROUGH FACILITIES: A commercial establishment or an accessory facility of a commercial establishment in which customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then immediately depart from the premises, including but not limited to banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments, but not including drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gasoline service stations.

DRIVEWAY: A private right of way which affords vehicular access from a public or private street as defined herein to abutting or adjacent property which is not, and under existing subdivision and zoning regulations cannot be divided into more than four separate lots or parcels.

DWELLING: 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. *(Amended by Ord. 4557, 12/7/04)*

DWELLING, ONE-FAMILY: A building designed for and occupied exclusively by one family, and containing one dwelling. *(Amended by Ord. 3834, 3/20/90, Ord. 4557, 12/7/04)*

DWELLING, TWO-FAMILY: A building designed for and occupied exclusively by two families, and containing two dwellings. *(Amended by Ord. 4557, 12/7/04)*

DWELLING, MULTIPLE: A 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. *(Amended by Ord. 4557, 12/7/04)*

ELECTRIC SUBSTATION: Any receiving and transforming substation other than a major electric transmission substation designed to distribute electricity to customers of the surrounding area.

EMERGENCY: A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition

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extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency. *(Amended by Ord. 4040, 5/19/92)*

EMERGENCY SHELTER: A permanent supervised shelter or halfway house that provides temporary accommodations, up to 30 consecutive days and 90 days within a 12 month period, to individuals who have lost a permanent residence. *(Added by Ord. 4169, 10/11/94)*

ENERGY FACILITY: Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

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 Section 21000 *et seq.*), and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Section 15000 *et seq.*). *(Added by Ord. 4557, 12/7/04)*

ENVIRONMENTALLY SENSITIVE HABITAT AREA: Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

FAMILY: One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by said family.

FAMILY DAY CARE: Regularly provided care, protection and supervision of 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day while the parents or guardians are away. *(Added by Ord. 3518, 6/3/85; amended by Ord. 4378, 11/16/99)*

FAMILY DAY CARE HOME, LARGE: A home which provides family day care to nine to 14 children, including children who reside at the home. *(Added by Ord. 3518, 6/3/85; amended by Ord. 4378, 11/16/99)*

FAMILY DAY CARE HOME, SMALL: A home which provides family day care to eight or fewer children, including children who reside at the home. *(Added by Ord. 3518, 6/3/85; amended by Ord. 4378, 11/16/99)*

FARM LABOR CAMP: Any building(s) or structure(s) used as a dwelling unit(s) for five or more farm employees who are engaged full-time in agriculture either on or off the premises on which the building(s) or structure(s) is/are located. *(Amended by Ord. 3834, 3/20/90)*

FEASIBLE: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

FILL: Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

FIRST PUBLIC ROAD PARALLELING THE SEA: The nearest road to the sea, that is

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dedicated for public use to a public agency and is in fact improved and suitable for public use. Provided, however, that in the event any such public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline.

FLARE STACK: A tall, specially constructed vertical pipe or stack used to safely dispose of hydrocarbon vapors or, in an emergency, to dispose of process feed. *(Added by Ordinance No. 4622, May 10, 2007)*

FLOODWAY: The floodway is the channel of a stream, plus any adjacent flood plain area, that must be kept free of encroachment in order that the 100 - year flood be carried without substantial increase in flood height. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to one foot, provided that hazardous velocities are not produced.

FLOODWAY FRINGE: The area between the floodway and the boundary of the 100-year flood is termed the floodway fringe. The floodway fringe thus encompasses the portion of the flood plain that could be completely obstructed without increasing the water surface elevation of the 100-year flood more than one foot at any point.

FLOOR AREA-GROSS: 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:

- (1) Corridors and halls;
- (2) Stairways;
- (3) Elevator shafts;
- (4) Closets, storage, service, utility and mechanical equipment rooms;
- (5) Attached garages;
- (6) Open or roofed porches, balconies, or porticos;
- (7) Roofed arcades, plazas, courts, walkways, or breezeways;
- (8) Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
- (9) Basements, cellars or attic areas where the floor to ceiling height is six feet for greater and that are deemed usable by the building official;
- (10) 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. *(Added by Ord. 4186, 3/14/95; amended by Ord. 4557, 12/7/04)*

FLOOR AREA-NET: The gross floor area excluding shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies. *(Amended by Ord. 4557, 12/7/04)*

FRACTION LOT: A lot created as a result of an instrument of conveyance, in which the lot is

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not separately conveyed as a distinctly described parcel. Fraction lots are identified by overlaying separate legal descriptions of real property within an area of land and then making reference to the cumulative boundary lines to describe parcels derived by their intersections. Fraction lots do not include remainder lots, which result from the conveyance of a separate and distinct legal description of real property, where the described property is conveyed to a new owner and the remainder portion is retained by the seller. *(Added by Ord. 4406, 9/12/00)*

FRONT LINE: The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be "front lines." When the street side boundary lines of a corner lot, are of equal or of substantially equal lengths, the front line shall be the line located on the principal street.

GARAGE, PRIVATE: A building or portion thereof used or designed to be used as an accessory building for the storage of motor vehicles primarily for the use of the occupants of the premises on which such building is located.

GARAGE, PUBLIC: A building or portion thereof, except a private garage, used or designed to be used for storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

GENERATOR: The person, business or facility who, by nature or ownership, management or control is responsible for causing or allowing to be caused the creation of hazardous waste. *(Added by Ord. 4046, 5/19/92)*

GENERATOR PERMIT: The annual permit to operate which all generators of hazardous waste must obtain from the County Environmental Health Services. Through the generator permit program, the county environmental health services ensures that generators of hazardous waste store, treat, transport and dispose of hazardous waste in accordance with state and federal laws. *(Added by Ord. 4046, 5/19/92)*

GRADE, EXISTING: The existing condition of the ground elevation of the surface of a building site at the time of permit application, including Board of Architectural Review applications, that represents either (1) the natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation, including grading approved in conjunction with the subdivision of the site. *(Added by Ord. 4581, 6/14/07)*

GRADE, FINISHED: The level of the finished surface of the site that results from any permitted grading activities, including but not limited to cut and fill of existing slopes associated with a specific permit application. *(Added by Ord. 4581, 6/14/07)*

GREENHOUSE: A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse. *(Added by Ord. 4529, 4/20/04)*

GREENHOUSE RELATED DEVELOPMENT: Permanent development associated with and accessory to greenhouses, shade structures and hoop structures. Such development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g. boiler rooms, storage sheds, etc.). *(Added by Ord. 4529, 4/20/04)*

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GUEST HOUSE: Living quarters of 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 dwelling on the lot on which such guest house is located, and not rented or otherwise used as a separate dwelling. *(Amended by Ord. 4557, 12/7/04)*

GUEST RANCH: A vacation resort, generally a farm or ranch, which derives all or part of its income from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.

HABITABLE: A space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (heated, cooled, etc.). *(Added by Ord. 4298, 3/24/98)*

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, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets. *(Added by Ord. 4557, 12/7/04)*

HAZARDOUS WASTE: A waste, or combination of wastes, which because of the quantity, concentration or physical, and chemical characteristics may either a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste would also include those materials described in Title 22, Division 4.5, Chapter 11, CCR. *(Added by Ord. 4046, 5/19/92)*

HAZARDOUS WASTE MANAGEMENT PLAN (HWMP): The plan prepared pursuant to Section 25135 of the California Health and Safety Code by counties and certain regions to direct the management of hazardous wastes within the boundaries of the affected jurisdiction. *(Added by Ord. 4046, 8/18/92)*

HAZARDOUS WASTE ELEMENT: The Hazardous Waste Management Plan (HWMP), as adopted as an Element of the Santa Barbara County Comprehensive Plan. *(Added by Ord. 4046, 5/19/92)*

HEIGHT LIMIT: The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade. *(Added by Ord. 4581, 6/14/07)*

HEIGHT, STRUCTURE: See Section 35-127, Height. *(Added by Ord. 4581, 6/14/07)*

HIGHWAY: See STREET.

HIGHWAY 101 CORRIDOR: Any property shown on the HC Overlay Zoning Map (within 500 feet of the centerline of Highway 101 at time of ordinance adoption) in the coastal zone between the Ventura County line and Eagle Canyon. *(Added by Ord. 4388, 5/18/99)*

HILLSIDE: Hillsides are defined as lands with slopes exceeding twenty percent.

HOG RANCH: Any property used for the raising or keeping of more than six hogs.

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HOME OCCUPATION: A commercial activity conducted entirely within the dwelling portion of a dwelling by a person or persons residing in the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling located on the same lot. *(Amended by Ord. 4557, 12/7/04)*

HOOP STRUCTURE: A structure consisting of a light-weight, arched frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses. *(Added by Ord. 4529, 4/20/04)*

HOSPITAL: An institution for the care and treatment of human beings.

HOSTEL: Overnight sleeping accommodations which provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.

HOTEL: A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

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. *(Added by Ord. 4557, 12/7/04)*

HOUSEKEEPING UNIT: A person or group of persons making common use of a kitchen and other living quarters.

HUMAN HABITATION: The occasional, temporary or permanent use of a building, trailer or any motor vehicle for eating and/or sleeping quarters for any person(s). *(Added by Ord. 3613, 10/27/86)*

IDLED (OR IDLE): As used in Section 35-170 of this Article, shall mean a permitted land use or an independent business function of a permitted land use has had a zero throughput (enter and exit) for a period of one continuous year. *(Added by Ord. 4550 9/21/04)*

IMPROVEMENT: Any object affixed to or growing in the ground other than a building or structure.

INHABITED AREA: Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis. *(Added by Ord. 4588, 6/14/07)*

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. *(Added by Ord. 4557, 12/7/04)*

JUNK YARD: In non-residential districts, the use of an aggregate area of 200 square feet or more of land for the storage of junk, including but not limited to, scrap material, salvage material or used material held for recycling, reuse or resale. In residential districts, the area which may be

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used for the storage of junk and other listed materials may not exceed 100 square feet. (See Chapter 19 of this Code for the definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.) *(Amended by Ord. 3834, 3/20/90)*

KENNEL, COMMERCIAL: Any premises or area where four or more dogs four 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. *(Amended by Ord. 4067, 8/18/92; Ord. 4557, 12/7/04)*

KENNEL, PRIVATE: Any premises or area where four or more dogs four months or age or older are kept for the private enjoyment of the occupants of the premises. *(Added by Ord. 4067, 8/18/92)*

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 food. *(Amended by Ord. 4557, 12/7/04)*

LAND USE PLAN: Maps and a text which indicate the kinds, location, and intensity of land uses and includes resource protection and development policies.

LIVING AREA: The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure. *(Added by Ord. 3395, 8/8/83)*

LOCAL COASTAL PROGRAM: A local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act of 1976 at the local level.

LODGING OR ROOMING HOUSE: See "BOARDING HOUSE."

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, 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 (3) the boundaries of which have not subsequently been altered by merger or further subdivision. *(Amended by Ord. 4557, 12/7/04)*

LOT, CORNER: A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

LOT, INTERIOR: 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. *(Amended by Ord. 4557, 12/7/04)*

LOT, KEY: A lot the side line of which abuts the rear line of one or more adjoining lots.

LOT, THROUGH: A lot having frontage on two parallel, or approximately parallel streets.

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LOT AREA, GROSS: The area included within the boundaries of the lot as described in the latest recorded deed to said lot or as shown on the recorded parcel or subdivision map creating said lot inclusive of any portion so described or mapped, lying within a public or private street.

LOT AREA, NET: The gross lot area minus 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 DEPTH: The average distance between the front or street line and the rear lot lines, or between the front lot line and intersection of the two side lot lines if there should be no rear lot line.

LOT FRONTAGE: That dimension or portion of a lot abutting on a street, except the side dimension of a corner lot.

LOT LINE: The lines bounding a lot as defined herein.

LOT WIDTH: The average distance between the side lot lines, measured at right angles to the lot depth.

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. *(Added by Ord. 4557, 12/7/04)*

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. *(Added by Ord. 4557, 12/7/04)*

MAJOR ELECTRIC TRANSMISSION SUBSTATION: A substation receiving and transmitting electric energy emanating from the major sources of generation, the primary purpose of which is to transmit such energy at the voltage at which it is transmitted from such major sources of generation and to transform such energy by lowering the voltages below that at which the energy is transmitted from such generating sources.

MAJOR PUBLIC WORKS PROJECT AND MAJOR ENERGY FACILITY: Any public works project or energy facility exceeding \$50,000 in estimated cost of construction.

MEAN HIGH TIDE LINE: High watermark of the ocean which is an ambulatory line varying over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

MINI-MART/CONVENIENCE STORE: A retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with servicing the highway traveler. *(Added by Ord. 4067, 8/18/92)*

MOBILE HOME: A trailer, transportable in one or more sections, that is certified under the National Mobile Home Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two

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dwelling units with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For the purposes of this Article, a mobile home on a permanent foundation is considered a structure.

MOBILE HOME PARK: Any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

MOTEL: An establishment providing transient accommodations containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NATURAL CONDITIONS: As used in Section 35-170 of this Article, shall mean the reasonable and feasible return of land to a state that reflects the natural environment of the area without development. Retention of certain improvements or other items such as pipeline support footings would qualify as natural conditions if their removal would result in undesired environmental outcomes such as undesired destabilization of slopes due to removal of a retaining wall. Natural conditions do not necessarily equate to original or pre-development conditions. *(Added by Ord. 4550 9/21/04)*

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the 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 this Article. *(Amended by Ord. 4557, 12/7/04)*

NONCONFORMING STRUCTURE: A building or structure which was lawful prior to the 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 this Article including but not limited to height, location, lot coverage or setbacks. *(Amended by Ord. 4557, 12/7/04)*

NONCONFORMING USE: Any use of land, building, or structure which was lawful prior to the 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 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. *(Amended by Ord. 4557, 12/7/04)*

NON-IONIZING ELECTROMAGNETIC RADIATION (NIER): Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum. *(Added by Ord. 4588, 6/14/07)*

NOTICE TO PROPERTY OWNER: A notarized, legal document required by the County, to be

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completed and recorded with the deed by the property owner as part of a permit approval process and/or in conjunction with correction of a zoning violation. The purpose of the notice is to document specific conditions and/or restrictions that apply to a particular property and the improvements thereon. *(Amended by Ord. 3834, 3/20/90)*

OFFSHORE OIL AND/OR GAS RESERVOIR: Any oil and/or gas reservoir partially or fully seaward of the mean high tide line. *(Added by Ord. 4235, 9/3/96)*

OFFSITE HAZARDOUS WASTE MANAGEMENT FACILITY: A facility that accepts hazardous wastes from more than one generator, including the following: *(Added by Ord. 4046, 5/19/92)*

Transfer Station: A facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment recycling, and/or disposal facility or facilities.

Storage Facility: A hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an offsite facility or for periods greater than 90 days at an onsite facility, with specified exceptions. (California Health and Safety Code, Section 25123.3.)

Treatment Facility: A facility where the toxicity, chemical form, and/or volume of a hazardous waste is altered.

Recycling Facility: A facility engaged in the process of reclaiming, using or reusing hazardous wastes.

Residual Repository: A disposal facility for the long-term storage of the byproducts of treated hazardous waste for which there is no further practical treatment.

OIL: Where used in this Article, the word "oil" shall include gas and other hydrocarbon substances.

OIL AND GAS EXPLORATION: Drilling of wells and temporary deployment of associated equipment to extract minimal quantities of oil and/or gas for the purpose of evaluating the developmental potential of one or more reservoirs. Exploration requires the location of temporary equipment onsite to support drilling (e.g., pressure vessels, storage tanks). *(Added by Ord. 4235, 9/3/96)*

OIL AND GAS PRODUCTION: Drilling and re-working of oil and/or gas wells and long-term deployment of associated equipment to extract oil and/or gas and associated byproducts in payable quantities from a proven reservoir. *(Added by Ord. 4235, 9/3/96)*

Oil and gas production is divided into the following five major activities:

Drilling: All activities associated with the drilling of wells.

Extraction: All activities associated with the lifting of payable quantities of oil, gas, and byproducts, including secondary recovery operations as set forth in Section 25-31 of Chapter 25 of the County Code.

Separation: All activities at the drill site necessary to separate by gravity, or pressure the various phases of production. These phases would include water, oil, and natural gas. Free water knockout represents a typical gravity separation process.

Dehydration: All activities necessary to remove water from oil and/or gas by means other than gravity. Such activities may include heater treaters for oil dehydration and mole-sieves and glycol contactors for gas dehydration. Dehydration does not include wastewater treatment.

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Transportation: Minimal activities necessary to transport oil, gas, produced water, and waste water to processing and treatment facilities.

OIL AND GAS PROCESSING/TREATMENT: Processing/treatment activities involve the chemical separation of oil and gas constituents and the removal of impurities. Processing activities would include oil stripping; hydrogen sulfide and carbon dioxide removal systems; depropanizers, debutinizers, or other types of fractionation; sulfur recovery plants; wastewater treatment plants; and separation and dehydration of oil/gas/water. *(Added by Ord. 4235, 9/3/96)*

OIL/GAS DRILLING RIG: The derrick or mast, draw works, and attendant surface equipment used to drill for oil, natural gas, or both from underground reservoirs, and to drill injection wells for disposal of fluids into subsurface reservoirs. Drilling rigs are also used to complete (prepare for production) a well, or redrill or rework a well. The derrick consists of a large load-bearing structure, usually bolted construction of metal beams. In drilling, the standard derrick has four legs standing at the corners of the substructure and reaching to the crown block. The substructure is an assembly of heavy beams used to elevate the derrick and provide space underneath to install the blowout-preventive equipment, casing head, and other equipment. *(Added by Ordinance No. 4622, May 10, 2007)*

OIL/GAS WORKOVER/PULLING RIG: The derrick or mast, draw works, and attendant surface equipment to service oil/gas or injection wells, including, among other things, running the pump and tubing, replacing parts, fixing casing, and plugging and abandoning a well. These rigs are typically mobile, wheel-based trucks capable of moving from one well to another. *(Added by Ordinance No. 4622, May 10, 2007)*

ONE OWNERSHIP: Ownership of property or possession thereof under a contract to purchase or under a lease the term of which is 10 years or more in any manner whereby such property is under a single or unified control, including ownership of property by a person or persons, firm, partnership, association, corporation, company, syndicate, estate, trust, or organization of any kind.

ONSITE HAZARDOUS WASTE MANAGEMENT FACILITY: A facility that stores, treats, recycles, and/or disposes of hazardous wastes generated only within the facility's boundaries. *(Added by Ord. 4046, 5/19/92)*

OWNER: For the purpose of a Detached or Attached Residential Second Unit, an owner shall be the individual whose name appears on the title to the property and for whom a homeowner's exemption is claimed. *(Added by Ord. 3395, 8/8/83; amended by Ord. 4169, 10/11/94)*

OPEN SPACE:

- (1) Public Open Space:** Public open space shall include but not be limited to public parks, recreational support facilities (restrooms, stairways, picnic tables, etc.), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points which are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes, i.e., swimming, boating, or fishing but in no case shall water bodies be credited for more than five percent of the total required public open space requirement. Public open space shall not include areas which are unusable for recreational purposes, i.e., private or public streets, private parking lots, or hazardous areas such as steep slopes and bluff faces.

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- (2) **Common Open Space:** Common open space shall include but not be limited to recreational areas and facilities for the use of the prospective residents or guests of a development such as tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. (Water bodies may be included but shall not be credited for more than five percent of the total required common open space.). Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.
- (3) **Private Open Space:** Private open space shall include but not be limited to patios, decks, and yards for the private use of the residents of individual dwelling units.

OUTDOOR FESTIVAL: Any musical festival, dance festival, "rock" festival or similar musical activity at which music is provided by paid, or professional, or amateur performers or by prerecorded means, which is held at any place other than in a permanent building or permanent installation, which permanent installation has been constructed for the purpose of conducting such activities or similar activities, to which members of the public are invited or admitted for a charge or free of cost, and which is to be or is attended by 500 or more persons. If such a festival or activity is to be or is attended by less than five hundred persons, it is an amusement enterprise conducted partially or wholly outside of a completely enclosed building.

PARKING LOT SALE: A temporary sale that is conducted by a retail store, shop, establishment in the area usually used for on-premise customer parking or pedestrian access (not within a public right-of-way) of that retail store, shop, or establishment and at which sale the same type of merchandise sold within that store, shop, or establishment is sold at retail.

PARKING SPACE: A space designed and reserved for the parking of motor vehicles, including all necessary maneuvering space, as provided elsewhere in this Article.

PEAK PARKING PERIOD: The two hour period within a seven day time period with the highest calculated parking demand for a single site. *(Added by Ord. 4086, 12/15/92)*

PERMITTED LAND USE: Any land use, facility, activity, or site subject to this Article. *(Added by Ord. 4550 9/21/04)*

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. *(Added by Ord. 4557, 12/7/04)*

PERSON: Any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or any agency thereof.

PLANNING COMMISSION: The Santa Barbara County Planning Commission.

PREMISES: The area of land in one ownership surrounding a house or building.

PRIME AGRICULTURAL LANDS:

- (1) All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

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- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- (4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars per acre.
- (5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential, agricultural or estate district, any dwelling shall be deemed to be the principal structure on the lot on which it is situated.

PRIVATE SERVICES: (1) All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy and other similar utilities and facilities owned or operated by any business organization, person or private entity, except for Oil and Gas Facilities regulated by Division 9, Section 35-150. (2) All private transportation facilities, including streets, roads and other related facilities. *(Added by Ord. 4084, 12/15/92)*

PROJECT: Any activity governed to any extent by this Article which involves the issuance, by one or more agencies governed by the Santa Barbara County Board of Supervisors, of a permit, license, certificate, or other entitlement for use. The term "project" generally refers to the whole of an activity which may be subject to more than one entitlement for use issued by one or more public agencies. However, the term "project" may refer to any specific action or activity which is part of a larger undertaking, depending upon the context in which the term "project" may be specifically used in this Article. (See also California Public Resources Code, Section 21065(c); California Government Code, Section 65931) *(Added by Ord. 3613, 10/27/86)*

PUBLIC WORKS AND UTILITIES: *(Amended by Ord. 4084, 12/15/92)*

- (1) All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy, telephone, and other similar utilities and facilities owned or operated by any public agency or by any utility that is subject to the jurisdiction of the Public Utilities Commission, except for Oil and Gas Facilities regulated by Division 9. Section 35-150 et. seq.
- (2) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (3) All community college facilities.

PUBLIC WORKS, TRANSPORTATION RELATED: All public transportation facilities, including streets, roads, highways, bridges, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, trolley wires, and other related facilities. *(Added by Ord. 4084, 12/15/92)*

RAILROAD: A permanent road that has a line of rails, fixed to ties and laid on a roadbed, for the purpose of providing a track for cars and equipment moved by locomotives or propelled by self-contained motors. The three general categories of lines include: *(Added by Ord. 4040, 5/19/92)*

- (1) **Main Line:** The main line serves the long-distance intercity and interstate movement of trains, and is similar in function to an automobile expressway or major arterial street.

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- (2) **Branch Line:** The branch line generally connects cities, military bases, and commercial/industrial areas to the mainline, and is similar in function to minor arterial and collector streets.
- (3) **Spur Line:** The spur line connects specific entities, such as a factory, refinery, warehouse, or lumber yard to the branch line or main line, and is similar in function to connector streets.
- (4) **Siding or Turnout:** Is used for the purpose of allowing safe passage of trains, switching or rail cars, or parking of trains.

RECLAMATION: As used in Section 35-170 of this Article, shall mean conversion of a host site to natural conditions, or other conditions, in compliance with applicable laws and permits, including remediation of contamination, contouring of topography, re-vegetation and landscaping.

RECREATIONAL VEHICLE: A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

RECREATIONAL VEHICLE PARK: Any area or tract of land, where one or more lots are rented or leased or held out for rent to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

RESIDENCE HALL: A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing. The term "residence hall" shall not be deemed to include a fraternity or sorority house.

RESIDENTIAL SECOND UNIT: A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to the principal one-family dwelling. The residential second unit may either be an attached residential second unit or a detached residential second unit. The residential second unit shall not be sold or finances separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling. *(Added by Ord. 4517, 12.2.03)*

RESTROOM: A room which may contain a toilet and washbasin but shall specifically exclude any type of bathing facilities. *(Amended by Ord. 3834, 3/20/90)*

RETREAT: A building or group of buildings with appurtenant land and structures used for the purpose of providing facilities for groups assembled for periods of not to exceed 21 days for discussion, study, and recreation. When such facilities are to be located in rural areas, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.

RIDGELINE: As used within Section 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively long and narrow strip or crest of land, which forms a distinct part of the skyline within a watershed, that separates one drainage basin from another. *(Added by Ord. 4588, 6/14/07)*

RIGHT-OF-WAY LINE: The recorded boundary of a public or private street.

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RIPARIAN VEGETATION: Vegetation normally found along the banks and beds of streams, creeks, and rivers.

SANITARIUM: A health retreat, boarding house, hospice or other place for the treatment of disease or care of invalids. *(Amended by Ord. 4169, 10/11/94)*

SCENIC HIGHWAY CORRIDOR: A corridor of land that extends 2,000 feet outward from the right-of-way lines of any state-designated scenic highway. *(Added by Ord. 4588, 6/14/07)*

SEA: The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

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. *(Added by Ord. 4557, 12/7/04)*

SEISMIC RETROFIT: An alteration to the structural elements of a building or structure specifically and exclusively for the purposes of resisting earthquake forces. Seismic retrofit alterations exempt from Coastal Development Permits (Section 35-169.14) are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure. *(Added by Ord. 4227, 6/18/96)*

SEMI-DETACHED BUILDING: A building having a common wall with another building which wall has no openings connecting the two buildings.

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. *(Amended by Ord. 4557, 12/7/04)*

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. *(Added by Ord. 4557, 12/7/04)*

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. *(Added by Ord. 4557, 12/7/04)*

SETBACK, SIDE: An open yard area extending between the front setback and 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. *(Added by Ord. 4557, 12/7/04)*

SHADE STRUCTURE: A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil. *(Added*

DEFINITIONS

by Ord. 4529, 4/20/04)

SHADOW CONSTRUCTION: Pipeline construction, involving two or more separate pipeline projects in the same corridor, is coordinated at closely-timed intervals so that site rehabilitation is required only once.

SINGLE ROOM OCCUPANCY: A multi-unit residential use where occupants share common kitchen and bathroom facilities. *(Added by Ord. 4169, 10/11/94)*

SITE: The area of project development that may be located within, or consist of, one or more legal lots or parcels. *(Added by Ord. 4318, 6/23/98)*

SOUTH COAST CONSOLIDATED OIL AND GAS PROCESSING SITE: The site supporting the Las Flores Canyon Oil and Gas Processing facility (the industrially zoned portions of APNs 081-220-014 and 081-230-019). Any new oil and gas production from offshore reservoirs or zones that is processed within the SCCPA must be processed at this site. *(Added by Ord. 4235, 9/3/96; amended by Ord. 4602, 3/21/06)*

SOUTH COAST CONSOLIDATION PLANNING AREA (SCCPA): The unincorporated area from Point Arguello to the City of Santa Barbara, and from the ridge of the Santa Ynez Mountains to the three-mile offshore limit line to the south and southeast. *(Added by Ord. 3701, 6/10/88)*

SPECIAL CARE HOME: A residential home providing non-medical care and supervision (also known as a "Group Home-Children," "Transitional Home, including substance abuse recovery," "Adult Residential Home," "Supported Housing," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home." Note: Homes which serve 14 or fewer persons shall be considered a residential use, subject to the regulations for any other residential dwelling in the applicable zone district, and the residents and operators of the home shall be considered a family. *(Amended by Ord. 4169, 10/11/94; Ord. 4298, 3/24/98; Ord. 4378, 11/16/99)*

SPECIAL DISTRICT: Any public agency, other than a local government as defined in this Article, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

SPECIAL TREATMENT AREA: An identifiable and geographically bounded area within the coastal zone that constitutes a significant habitat area, area of special scenic significance, and any land where logging activities could adversely effect a public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

STAGING AREAS: Minor coastal facilities used for temporary storage and handling of equipment and materials accessory and incidental to construction of a specific oil and gas development project. Staging areas are to be at a scale of development not detrimental to the surrounding land uses and character. *(Added by Ord. 3537, 10/8/85)*

STATE UNIVERSITY OR COLLEGE: The University of California and the California State

DEFINITIONS

University and Colleges.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREAM: Watercourses, including major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass. (Coastal wetlands are not included.)

STREAM, MAJOR: A stream with a drainage area in excess of 500 acres.

STREAM, MINOR: A stream with a drainage area less than 500 acres.

STREAM CORRIDOR: A stream and its minimum prescribed buffer strip.

STREET: A permanently reserved, public or private right-of-way which affords the public a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from such freeway or highway.

STREET FRONTAGE: The portion of a property abutting a public or private street.

STRIPPER COLUMN OR TOWER: A tall, cylindrical vessel used to physically remove contaminants from gas or liquid. *(Added by Ordinance No. 4622, May 10, 2007)*

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A trailer shall not constitute a structure within the meaning of this Article. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, column beams or girders or in the dimensions or configuration of the roof.

STUDIO DWELLING UNIT: A single dwelling unit which does not contain a bedroom and which is located within a two-family dwelling or a multiple dwelling.

SUBDIVISION: A division of land as defined in the State Subdivision Map Act.

SUBSTANTIALLY VISIBLE: An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility. *(Added by Ord. 4588, 6/14/07)*

SUPPLY BASES: Major onshore and nearshore facilities which provide multi-company warehousing and handling services for supplies associated with short- and long-term offshore oil and gas industrial operations. *(Added by Ord. 3537, 10/8/85)*

SWAP MEET: An open-air market operating during daylight hours on weekends and holidays

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for the sale or exchange of merchandise at retail by a number of sellers. Signs or other advertising by the individual sellers and outdoor storage of materials or merchandise, except during hours of operation, are prohibited.

TELECOMMUNICATION FACILITY: A facility that transmits and/or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, COLLOCATED: A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, COMMERCIAL: A telecommunications facility that is operated primarily for a business purpose or purposes. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, HEIGHT: The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna and/or antenna support structure includes the height of the portion of the building on which it is mounted. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, MULTIPLE USER: A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, NON-COMMERCIAL: A telecommunication facility that is operated solely for a non-business purpose. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION FACILITY, WIRELESS: A commercial telecommunication facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility can include, but is not limited to: antennas, radio transmitters, equipment shelter or cabinet(s), air vents, antenna support structure, air conditioning units, fire suppression systems, emergency back-up generators including fuel storage. *(Added by Ord. 4588, 6/14/07)*

TELECOMMUNICATION SITE, COLLOCATED: Any site where more than one antenna support structure is installed in close proximity to one another on one parcel. *(Added by Ord. 4588, 6/14/07)*

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TEMPORARY GUEST: Non-paying guests occupying the premises for not more than 120 days in any 12 month period.

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.

TOWER: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support one or more antennas. *(Added by Ord. 4588, 6/14/07)*

TOWER, LATTICE: A multiple sided open metal frame support structure that supports antennas and related equipment. *(Added by Ord. 4588, 6/14/07)*

TOWER, MONOPOLE: A tower consisting of a single pole, constructed without guy wires and ground anchors. *(Added by Ord. 4588, 6/14/07)*

TRAILER: A vehicle with or without motor power which is designed or used for human habitation, office, or storage including camper, travel trailer and mobile home but not including mobile homes on a permanent foundation.

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto, and which was installed pursuant to all necessary permits and approvals. For the purposes of siting telecommunications facilities on existing structures, a new utility pole approved pursuant to a coastal development permit may be considered an existing utility pole. *(Added by Ord. 4588, 6/14/07)*

VISION CLEARANCE AREA: A triangular space at the street or highway corner of a corner lot wherein the height of plantings, fences, walls, and other structures is restricted. (See Section 35-124 Vision Clearance Area.) *(Amended by Ord. 4067, 8/18/92; Ord. 4557, 12/7/04)*

WASTE MINIMIZATION: The reduction, to the maximum extent feasible, of hazardous waste that is generated or subsequently stored, treated or disposed. Waste minimization is a reduction in the total volume or quantity of hazardous waste, and minimizes the present and future threats to human health and the environment. As used in the HWMP and this Ordinance, waste minimization includes source reduction, recycling and onsite treatment of hazardous wastes. *(Added by Ord. 4046, 5/19/92)*

WETBAR: An area of a room in detached structures that may include the following features: *(Amended by Ord. 3834, 3/20/90)*

- (1) A counter area with a maximum total length of seven feet.
- (2) The counter area may include a bar sink and under-counter refrigerator.

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- (3) The counter area may include an overhead cupboard area not to exceed seven feet in length.
- (4) The counter area shall be located against a wall or, if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid the creation of a kitchen room.
- (5) No cooking facilities shall be included in the wetbar area.

WETLAND: Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

YARD: See SETBACK. *(Amended by Ord. 4557, 12/7/04)*

YARD, FRONT: See SETBACK, FRONT. *(Amended by Ord. 4557, 12/7/04)*

YARD, REAR: See SETBACK, REAR. *(Amended by Ord. 4557, 12/7/04)*

YARD, SIDE: See SETBACK, SIDE. *(Amended by Ord. 4557, 12/7/04)*

ZONING ADMINISTRATOR: A position authorized by Section 65900 *et seq.* of the California Government Code that pursuant to this Article and Section 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is 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.

ZONING ORDINANCE: An ordinance authorized by Section 65850 of the Government Code or, in the case of the charter city, a similar ordinance enacted pursuant to the authority of its charter.) *(Amended by Ord. 3954, 2/21/92)*

DIVISION 3. DEVELOPMENT STANDARDS.

Sec. 35-59. General.

The policies in this DIVISION 3 are part of the Santa Barbara County Coastal Land Use Plan (LUP) and hereby incorporated into this Article. These policies shall serve as development standards for all developments subject to the provisions of this Article.

1. In areas designated as rural, except rural neighborhoods, on the Land Use Plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
2. In areas designated as urban and rural neighborhoods on the Land Use Plan maps, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
3. The densities specified in the Land Use Plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, densities may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the local Coastal Program.
(Amended by Ord. 4169, 10/11/94)
4. In no case shall above-ground structures, except for necessary utility lines and fences for agricultural purposes, be sited on undisturbed slopes exceeding 40 percent.

Sec. 35-60. Water and Other Public Services.

1. The long-term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and any other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful parcel be denied development of one single family residence. This policy shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.
2. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.
3. Within designated urban areas, new development other than that for agricultural purposes

shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.

4. Water-conserving devices shall be used in all new development.
5. Prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated on the Land Use Plan or zoning maps. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-61. Beach Development.

1. To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, or where such restriction would cause the inverse condemnation of the lot by the County.
2. For all new development between the first public road and the ocean, granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:
 - a. Another more suitable public access corridor is available or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline, or
 - b. Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the Land Use Plan, or
 - c. Findings are made, consistent with Public Resources Code Section 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected, or
 - d. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed. The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc. This policy shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212 or to development incidental to an existing use on the site.

3. 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 coastal areas, where the bluffs exceed five feet in height, the lateral easement shall include all beach seaward of the base of the bluff. In coastal areas where the bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection. At a minimum, the lateral easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure. 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. This policy shall not apply to development excluded from the public access requirements of the Coastal Act by Public Resources Code Section 30212 or to development incidental to an existing use on the site.

Sec. 35-62. Recreation and Visitor Serving Uses.

1. Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (i.e., tent campgrounds) shall have priority over uses requiring substantial alteration (i.e., recreational vehicle campgrounds).
2. Visitor-serving commercial recreational development that involves construction of major facilities, i.e., motels, hotels, restaurants, should be located within urban areas, and should not change the character or impact residential areas.
3. Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds, that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.
4. Visitor-serving facilities shall be permitted in rural areas only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands, i.e., residences, stores, or gas stations.

Sec. 35-63. Coastal Trails.

Easements for trails shown on the Santa Barbara County Comprehensive Plan Parks, Recreation and Trails (non-motorized) maps, shall be required as a condition of project approval for that portion of the trail crossing the lot upon which the project is proposed.

Sec. 35-64. Agricultural Lands.

1. If a lot is zoned for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, rezoning to a non-agricultural zone district shall not be permitted unless such conversion of the entire lot would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Public Resources Code Sections 30241 and 30242 of the Coastal Act.
2. If a lot is zoned for agricultural use and is located in a rural area contiguous with the urban/rural boundary, rezoning to a non-agricultural zone district shall not be permitted

unless:

- a. The agricultural use of the land is severely impaired because of physical factors (e.g., high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other lots along the urban periphery where the agricultural potential is more severely restricted.

Sec. 35-65. Archaeology.

1. When developments are proposed for lots where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

Sec. 35-66. Gaviota Coast Planning Area.

1. In order to protect natural and visual resources of the Coastal Zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U. S. Highway 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species.
2. Campgrounds and ancillary facilities sited south of U. S. Highway 101 between Ellwood and Gaviota shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use. Where feasible, new recreational facility development, particularly campgrounds and parking lots, shall be located north of U. S. Highway 101.
3. The vegetation in the small canyons at the mouths of Canada San Onofre and Canada del Molino streams shall not be disturbed by recreational development or use.
4. Since existing parks in the Ellwood to Gaviota area already provide extensive facilities for recreational vehicle camping, priority in future development shall be for campgrounds that would be accessible by bicycle and pedestrian trails only and for hostels.

Sec. 35-67. Bluff Development.

1. In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Blufftop Development." (See also Policy 4-5 regarding protection of visual resources.)
2. In addition to that required for safety, further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.
3. Within the required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.
4. Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.
5. No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

DIVISION 4. ZONING DISTRICTS

Sec. 35-68. AG-I - Agriculture I.

Sec. 35-68.1 Purpose and Intent.

The purpose of the Agriculture I district is to designate and protect lands appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils.

Sec. 35-68.2 Processing.

No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/92)*
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis. *(Added by Ord. 4067, 8/18/92)*
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/7/04)*
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply. *(Amended by Ord. 4529, 4/20/04).*
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 3/20/90 and Ord. 4557, 12/7/04)*

8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 3836, 3/20/90) and by Ord. 4557, 12/7/04)*
9. One Attached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Residential Second Units). *(Added by Ord. 4169, 10/11/94; amended by Ord. 4517, 12.2.03)*
10. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
11. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-68.4 *Uses Permitted with a Major Conditional Use Permit* *(Amended by Ord. 4298, 3/24/98)*

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services. *(Amended by Ord. 4067, 8/18/92)*
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
 - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
 - c. The primary intent of the development of this facility shall be to serve south coast agriculture,
 - d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
 - e. The facility processes products grown on the premises or on other local agricultural lands,
 - f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35-68.4 of this Article,
 - g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
 - h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. Farm labor camps, including trailers, for housing five or more employees engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations). *(Amended by Ord. 3837, 3/2/90)*
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply. *(Added by Ord. 4529, 4/20/04)*

Sec. 35-68.5 *Uses Permitted with a Minor Conditional Use Permit* *(Amended by Ord. 3837, 3/20/90)*

1. Additional dwellings 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 dwelling is located provided:
 - a. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings, to support such use; and
 - b. The applicant provides proof of the full-time employment of the employees.
2. One Detached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10, and AG-I-20 subject to the provisions of Section 35-142 (Residential Second Units) and Section 35-172 (Conditional Use Permits). *(Added by Ord. 4169, 10/11/94; amended by Ord. 4517, 12/2/03)*
3. Commercial Kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-68.6 *Minimum Lot Size.*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having a minimum lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map. *(Amended by Ord. 4557, 12/7/04)*

Zoning Symbol	Minimum Lot Size
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 lot with less area than required in Section 35-68.6.1 unless such lot is a fraction lot. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-68.7 *Setbacks for Buildings and Structures.*

1. Front: 50 feet from the centerline and 20 feet from the right-of-way line of any street.
2. Side and Rear: 20 feet from the lot lines of the lot on which the building or structure is located.
3. Lots that contain one gross acre or less shall be subject to the setback regulations of the R-1/E-1 Single-Family Residential District.
4. In addition, no hothouse, greenhouse, other plant protection, or related structure shall be located within 30 feet of the right-of-way line of any street nor within 50 feet of the lot line of a lot zoned residential. On lots containing five or more gross acres, an additional setback of 30 feet from the lot lines of the lot on which the structure is located is required.

Sec. 35-68.8 *Lot Coverage.*

The maximum net lot coverage for all hothouses, greenhouses, and other plant protection structures shall be as follows:

Lot Size	Maximum Lot Coverage
Less than 5 acres	75%
5 to 9.99 acres	70%
10 acres or more	65%

Sec. 35-68.9 *Height Limit.*

No building or structure shall exceed a height of 35 feet.

Sec. 35-68.10 *Parking Requirements.*

Parking shall be provided as specified in the DIVISION 6, PARKING REGULATIONS, except for *(Amended by Ord. 4067, 8/18/92)*:

1. Agricultural developments not requiring Development Plan (DP) approval, shall not be required to comply with design specifications for marking or striping (Section 35-114.3.c), except for handicap parking spaces required under State Law. *(Added by Ord. 4067, 8/18/92)*
2. Agricultural Development projects requiring Development Plan (DP) approval may request that the decision maker waive certain design specifications for marking or striping otherwise required under Section 35-114.3.c. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-68.11 *Landscaping.*

None, except that for commercial hothouses, greenhouses, or other plant protection structures, or as otherwise required in the provisions of this district, a landscaping plan must be approved by

the Planning and Development Department. Said plan shall include landscaping which, within five years, will reasonably block the view of said structures and on-site parking areas from the nearest public road(s). Said plan shall also include landscaping along all streets. The landscaping plan shall consist of plant material and said plant material shall be compatible with plants grown on the property. All landscaping shall be installed within six months of project completion.

Prior to the issuance of any permits, a performance security, in an amount determined by the Planning and Development Department, to insure installation and maintenance for two years, shall be filed with the Clerk of the Board of Supervisors. Said performance security shall be released by said Clerk upon a written statement from the County Planning and Development Department that the landscaping, in accordance with the approved landscaping plan has been installed and maintained for two years.

Sec. 35-68.12 Maximum Gross Floor Area (Floor Area Ratio or FAR) *(Added by Ord. 4186, 3/14/95)*

None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, (GENERAL REGULATIONS), Section 35-142.6.f. (Development Standards) for attached second units, or Sections 35-142A.6.5. (Development Standards) for detached second units.

Sec. 35-68.13 Findings for Major Conditional Use Permit for Greenhouse Development. *(Added by Ord. 4529, 4/20/04)*

Within the Carpinteria Agricultural Overlay District, no greenhouse or greenhouse related development, including additions to existing greenhouse or greenhouse related development, on slopes between five and 10 percent, shall be approved unless the decision-maker makes the following findings, in addition to the findings required pursuant to Section 35-172.8 (Conditional Use Permits):

1. That the project is not proposed on a slope greater than 10 percent.
2. That the project meets the development standards for water quality as described in Section 35-102F.9(A) (2), (3), (4), (6), (9), (10), (20), (21), and (22).
3. That the project will not require the extension of water and sewage disposal mainlines.
4. That the project will not adversely affect public coastal views, alter the character of rural open space and open field agricultural and grazing areas, or contribute light pollution to night skies in rural areas.
5. That the conversion of foraging habitat to structural development is fully mitigated.
6. That the project will not adversely affect coastal access and recreation through increased traffic conflicts.
7. That development is located within, contiguous with, or in close proximity to existing greenhouse development to preserve scenic value and rural character.

Sec. 35-69. AG-II - Agriculture II *(Amended by Ord. 4298, 3/24/98)***Sec. 35-69.1 Purpose and Intent.**

The purpose of the Agriculture II district is to establish agricultural land use for large prime and non-prime agricultural lands in the rural areas of the County (minimum 40 to 320 acre lots) and to preserve prime and non-prime soils for long-term agricultural use.

Sec. 35-69.2 Processing.

No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permit).

Sec. 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/7/04)*
3. Commercial boarding of animals.
4. Private and/or commercial kennels. *(Amended by Ord. 4067, 8/18/92)*
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot. *(Amended by Ord. 3835, 3/20/90 and by Ord. 4557, 12/7/04)*
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). *(Amended by Ord. 3838, 3/20/90)*
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot. *(Amended by Ord. 3836, 3/20/90 and by Ord.*

4557, 12/7/04)

11. Special Care Homes, subject to the provisions of Section 35-143.4. (*Added by Ord. 4378, 11/16/99*)
12. Uses, buildings and structures accessory and customarily incidental to the above uses. (*Amended by Ord. 4557, 12/7/04*)

Sec. 35-69.4 Uses Permitted With a Major Conditional Use Permit.

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
 - a. Is in character with the rural setting,
 - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
 - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
 - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:
 - a. The winery is located on premises used for vineyard purposes,
 - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
 - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
 - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale.
 - c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural

lands, and

- d. The facility processes products grown on the premises or on other local agricultural lands.
5. Piers and staging areas for oil and gas development subject to the regulations in DIVISION 9, OIL AND GAS FACILITIES.
6. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
8. Farm labor camps, including trailers, for housing five or more persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations). *(Amended by Ord. 3838, 3/20/90)*
9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES. *(Added by Ord. 4235, 9/3/96; amended by Ord. 4602, 3/21/06)*
10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES. *(Added by Ord. 4602, 3/21/06)*

Sec. 35-69.5 *Uses Permitted with a Minor Conditional Use Permit.* *(Amended by Ord. 3838, 3/20/90)*

1. Additional dwellings 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 dwelling is located provided:
 - a. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support such use; and
 - b. The applicant provides proof of the full-time employment of the employees.

Sec. 35-69.6 *Minimum Lot Area.* *(Amended by Ord. 4557, 12/7/04)*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located on a lot having 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
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

2. A dwelling may be located upon a lot with less area than required in Section 35-69.6.1 unless such lot is a fraction lot. *(Amended by Ord. 4406, 9/12/00)*

Sec. 35-69.7 *Height Limit and Setback Regulations.*

None, except that no building or structure shall be located within 50 feet of the centerline or within 20 feet of the right-of-way line of any street.

Sec. 35-69.8 *Parking.*

Parking shall be provided as specified in DIVISION 6, PARKING REGULATIONS except for:
(Amended by Ord. 4067, 8/18/92)

1. Agricultural Developments not requiring Development Plan approval, shall not be required to comply with design specifications for marking or striping (Section 35-114.3.c), except for handicap parking spaces required under state law. *(Amended by Ord. 4067, 8/18/92)*
2. Agricultural Development projects requiring Development Plan approval may request that the decision-maker waive certain design specifications for marking or striping otherwise required under Section 35-114.3.c. *(Amended by Ord. 4067, 8/18/92)*

Sec. 35-70. RR - Rural Residential.

Sec. 35-70.1 *Purpose and Intent.*

This district classification is to be applied to rural areas, generally of marginal agricultural value where low density residential and agricultural uses are appropriate. The purpose of this district is to preserve the rural character of an area and provide for low density residential development.

Sec. 35-70.2 *Processing.*

No permit for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-70.3 *Permitted Uses.*

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-70.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich, or other livestock not specifically enumerated herein; or three goats, hogs; shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no event shall more than three hogs be kept on any such lot. *(Amended by Ord. 4086, 12/15/92)*
3. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales). *(Amended by Ord. 4557, 12/7/04)*
4. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health &

Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).

5. One guest house or artist studio per legal lot, subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 3/20/90 and Ord. 4557, 12/7/04)*
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/7/04)*
7. Greenhouses, hothouses, or other plant protection structures not exceeding 300 square feet.
8. The keeping of animals and poultry subject to the R-1/E-1 provisions of Section 35-71.12, subsections 3. through 9., only (Animals). *(Added by Ord. 4067, 8/18/92; amended by Ord. 4086, 12/15/92; amended by Ord. 4557, 12/7/04)*
9. One Attached or Detached Residential Second Unit per legal lot subject to the provisions of Section 35-142 (Residential Second Units). *(Added by Ord. 4169, 10/11/94; amended by Ord. 4517, 12/2/03)*
10. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
11. Uses, buildings and structures which are customarily incidental to the above uses. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-70.4 *Uses Permitted With a Major Conditional Use Permit.*

1. Greenhouses, hothouses, other plant protection structures in excess of 300 square feet and related development, i.e., packing sheds, parking, driveways, subject to the limitations provided in the AG-I District.
2. Commercial raising of animals, boarding of animals, and commercial riding stables.
3. Onshore oil development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals, subject to the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES.
4. Piers and staging areas for oil and gas-related development, subject to the provisions in DIVISION 9, OIL AND GAS FACILITIES.
5. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
6. Commercial kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-70.5 *Uses Permitted With a Minor Conditional Use Permit.*

1. Private kennels. *(Amended by Ord. 4067, 8/18/92)*

Sec. 35-70.6 *Minimum Lot Area.*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum 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.
(Amended by Ord. 4557, 12/7/04)

Zoning Symbol	Minimum Gross Lot Area (acres)	Minimum Gross Lot Width (feet)
RR-5	5	250
RR-10	10	250
RR-15	15	250
RR-20	20	250
RR-40	40	250
RR-100	100	250

2. A dwelling may be located upon a lot with less area than required in Section 35-70.6.1 unless such lot is a fraction lot. (Amended by Ord. 4406, 9/12/00 and Ord. 4557, 12/7/04)
3. A dwelling may be located upon a lot with less width than required in Section 35-70.6.1. (Added by Ord. 4557, 12/7/04)

Sec. 35-70.7 *Setbacks for Buildings and Structures*

1. Front: 50 feet from the centerline and 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 the setback shall be 20 feet from the easement line.
(Amended by Ord. 3955, 2/21/92)
2. Side and Rear: 20 feet from the lot lines of the lot on which the building or structure is located.
3. Lots that contain one gross acre or less shall be subject to the setback regulations of the R-1/E-1 Single-Family Residential District.

Sec. 35-70.8 *Height Limit.*

No building or structure shall exceed a height of 35 feet.

Sec. 35-70.9 *Parking*

Parking shall be provided as specified in DIVISION 6, PARKING REGULATIONS.

Sec. 35-70.10 *Maximum Gross Floor Area (Floor Area Ratio or FAR)* (Added by Ord. 4186, 3/14/95; amended by Ord. 4517, 12/2/03)

None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-142.6.6 (Development Standards) for residential second units.

Sec. 35-71. R-1/E-1 - Single-Family Residential.**Sec. 35-71.1 Purpose and Intent.**

The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.

Sec. 35-71.2 Processing.

No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-71.3 Permitted Uses *(Amended by Ord. 3518, 6/3/85, Ord. 4186, 3/14/95)*

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141. *(Amended by Ord. 4557, 12/7/04)*
2. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. *(Amended by Ord. 3835, 3/20/90 and Ord. 4557, 12/7/04)*
3. Home occupations subject to the provisions of Section 35-121. (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/7/04)*
4. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
5. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Amended by Ord. 4557, 12/7/04)*
 - 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.
6. The keeping of animals and poultry accessory to the primary residential use located on the same lot and subject to the provisions of Section 35-71.12. *(Amended by Ord. 4557, 12/7/04)*
7. Public parks, public playgrounds, and community centers operated by a public agency. *(Amended by Ord. 4557, 12/7/04)*
8. One Attached or Detached Residential Second Unit subject to the provisions of Section

35-142 (Residential Second Units). *(Added by Ord. 4169, 10/11/94; amended by Ord. 4517, 12/2/03)*

9. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
10. 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. *(Amended by Ord. 4186, 3/14/95; amended by Ord. 4557, 12/7/04)*

Sec. 35-71.4 *Uses Permitted With A Major Conditional Use Permit.*

1. Commercial Kennels. *(Added by Ord. 4067, 8/18/92)*
2. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop, driving range) but not including commercial driving tees, putting courses, or miniature golf courses. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-71.5 *Uses Permitted With a Minor Conditional Use Permit.*

1. 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.
2. The commercial raising of worms.
3. Residential Child Care Center. *(Amended by Ord. 4067, 8/18/92)*
4. Private Kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-71.6 *Minimum Lot Area.* *(Amended by Ord. 4557, 12/7/04)*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum 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. *(Amended by Ord. 4081, 12/15/92; amended by Ord. 4557, 12/7/04)*

Zoning Symbol	Minimum Lot Size	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 lot with less area than required in Section 35-71.6.1 unless such lot is a fraction lot. *(Amended by Ord. 4406, 9/12/00)*
3. A dwelling may be located upon a lot with less width than required in Section 35-71.6.1. *(Added by Ord. 4557, 12/7/04)*

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

1. Front: 50 feet from the centerline and 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 lots the setback shall be 20 feet from the easement line. *(Amended by Ord. 3956, 2/21/92 and Ord. 4557, 12/7/04)*
2. Side: On each side of the lot, 10 percent of the width of the lot except:
 - a. For lots that have a minimum lot area requirement of two acres or less, in no case shall the required side setback be less than five feet nor more than 10 feet. *(Amended by Ord. 4081, 12/15/92 and Ord. 4557, 12/7/04)*
 - b. For lots that have a minimum lot area requirement of three acres or more, in no case shall the required side setback be less than 10 feet nor more than 20 feet. *(Amended by Ord. 4081, 12/15/92 and Ord. 4557, 12/7/04)*
3. Rear: 25 feet or 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. *(Amended by Ord. 3956, 2/21/92 and Ord. 4557, 12/7/04)*

Sec. 35-71.8 *Permitted Variations of Setbacks for Buildings.* *(Amended by Ord. 4557, 12/7/04)*

1. Side. The required side 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 feet from the side lines of the lot.
 - b. No portion of 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 setback prior to any variation allowed by subsection c. below. *(Amended by Ord. 4298, 3/24/98; amended by Ord. 4557, 12/7/04)*
 - c. 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. *(Amended by Ord. 3956, 2/21/92; amended by Ord. 4557, 12/7/04)*
 - d. The compensating area used to vary a side setback shall not be used to vary a rear setback on the same lot. *(Added by Ord. 4557, 12/7/04)*
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 15 feet to the rear line of the lot.
- b. 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. *(Amended by Ord. 4557, 12/7/04)*
- c. The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot. *(Amended by Ord. 3956, 9/21/92; amended by Ord. 4557, 12/7/04)*

Sec. 35-71.9 *Distance Required Between Buildings on the Same Building Site.* *(Amended by Ord. 4557, 12/7/04)*

The minimum distance between a dwelling or guest house and any other detached building or structure on the same building site shall be five feet. *(Amended by Ord. 3839, 3/20/90 and Ord. 4557, 12/7/04)*

Sec. 35-71.10 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-71.11 *Parking.* *(Amended by Ord. 4196, 5/16/95)*

Parking shall be provided as specified in DIVISION 6, PARKING REGULATIONS. In addition, not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on any lot, provided such bus, motor vehicle, or trailer does not exceed two axles, four tons, or eight feet in height and provided further that this restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when such occasional overnight parking is reasonably serving the residential use of a particular parcel. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Sec. 35-71.12 *Animals.* *(Amended by Ord. 4557, 12/7/04)*

1. Animal keeping allowed pursuant to this section shall be accessory to a residential use of a dwelling located on the lot on which the animal keeping occurs.
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 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, coral, pen or fenced area) that is located no closer than 40 feet to any dwelling on another lot. *(Amended by Ord. 4298, 3/24/98)*
3. No stable, barn or other enclosure for large animals (e.g., paddock, corral) shall be located on a single 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:
 - a. 40 feet to any dwelling located on another lot.
 - b. 70 feet to any street centerline and 20 feet to any right-of-way.
 - c. 15 feet from the rear property line(s).
 - d. 10 feet from the side property lines.
 - e. 10 feet from the property lines of an interior lot.
4. There shall not be more than three dogs permitted on any one lot.
5. 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.
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 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 Section 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.

Sec. 35-71.13 *Maximum Gross Floor Area (Floor Area Ratio or FAR)**(Added by Ord. 4186, 3/14/95; amended by Ord. 4517, 12/2/03)*

None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-142.6.6 (Development Standards) for residential second units.

Sec. 35-72. R-2 - Two Family Residential.

Sec. 35-72.1 *Purpose and Intent*

The purpose of this district is to provide areas for multiple residential development in the form of duplexes and to maintain a residential character similar to that found in single-family neighborhoods. The intent is to ensure compatibility of duplex development with surrounding multiple and single-family residences and the local neighborhoods.

Sec. 35-72.2 *Processing.*

No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-72.3 *Permitted Uses* *(Amended by Ord. 3518, 6/3/85, Ord. 4067, 8/18/92, Ord. 4557, 12/7/04)*

1. One single family dwelling or one two family dwelling, i.e., duplex, per legal lot. *(Amended by Ord. 4298, 3/24/98)*
2. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
3. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/7/04)*
4. Orchards, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
5. 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.

- 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.
6. The keeping of animals and poultry accessory to a residential use located on the same lot and subject to the provisions of Section 35-71.12 (R-1/E-1, Animals).
 7. Public parks, public playgrounds, and community centers operated by public agencies.
 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.

Sec. 35-72.4 *Uses Permitted With a Major Conditional Use Permit.*

1. Commercial kennels. *(Added by Ord. 4067, 8/18/92)*
2. Golf courses and facilities incidental and subordinate to such use (e.g., pro shop, restaurant, driving range) but not including commercial driving tees, putting courses, or miniature golf courses. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-72.5 *Uses Permitted With a Minor Conditional Use Permit.*

1. Greenhouses, hot houses, 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.
2. The commercial raising of worms.
3. Residential Child Care Center *(Amended by Ord. 3518, 6/3/85, Ord. 4067, 8/18/92)*
4. Private kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-72.6 *Minimum Lot Area.*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a minimum 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. *(Amended by Ord. 3840, 3/20/90, Ord. 4557, 12/7/04)*

Zoning Symbol	Minimum Net Lot Size 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. A dwelling may be located upon a lot with less area than required in Section 35-72.6.1 unless such lot is a fraction lot. *(Amended by Ord. 4034, 5/19/92, Ord. 4406, 9/12/00), Ord. 4557, 12/7/04)*
3. A dwelling may be located upon a lot with less width than required in Section 35-72.6.1. *(Added by Ord. 4557, 12/7/04)*

Sec. 35-72.7 *Setbacks for Buildings and Structures.* *(Amended by Ord. 4557, 12/7/04)*

1. Front: 50 feet from the centerline and 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 lots the setback shall be 20 feet from the easement line. *(Amended by Ord. 3957, 2/21/92, Ord. 4557, 12/7/04)*
2. Side: On each side of the lot, 10 percent of the width of the lot but in no case shall the required side be less than five feet nor more than 10 feet.
3. Rear: 25 feet. 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. *(Amended by Ord. 3957, 2/21/92)*

Sec. 35-72.8 *Permitted Variations of Setbacks for Buildings.* *(Amended by Ord. 4557, 12/7/04)*

As provided for in Section 35-71.8.

Sec. 35-72.9 *Distance Required Between Buildings on the Same Building Site.*

The minimum distance between a dwelling and any other detached building or structure on the same building site shall be five feet. *(Amended by Ord. 3837, 3/20/90, Ord. 4557, 12/7/04)*

Sec. 35-72.10 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-72.11 *Parking.*

Parking shall be provided as specified in DIVISION 6, PARKING REGULATIONS. In addition, in any area subject to the provisions of this district, not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on any lot, provided such bus, motor vehicle, or trailer does not exceed two axles, four tons, or eight feet in height and provided further that this restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction motor vehicles or trailers when such occasional overnight parking is reasonably serving the residential use of a particular parcel.

Sec. 35-73. *EX-1 - One-Family Exclusive Residential.*

Sec. 35-73.1 *Purpose and Intent.*

The purpose of this district is to provide for residential development for the area in the Coastal Zone known as Hope Ranch. It is the intent of this district to insure that such development

protects the residential character of the area and is consistent with sound standards of public health, welfare, and safety.

Sec. 35-73.2 *Processing.*

No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-73.3 *Permitted Uses.*

1. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141 (General Regulations). Except as provided herein, trailers in any condition shall not be used for any purpose.
2. One guest house or artist studio, subject to the provisions in Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot. (*Amended by Ord. 3835, 3/20/90 and Ord. 4557, 12/7/04*)
3. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop) but not including commercial driving tees, ranges, putting courses or miniature golf courses.
4. Parks, playgrounds, and community facilities operated by a non-profit homeowners association.
5. Orchards, truck and flower gardens, and the raising of field crops.
6. Greenhouses, hothouses, and other plant protection 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.
7. The keeping of animals and poultry subject to the provisions of Section 35-71.12 and accessory to the primary residential use of the same lot. (*Amended by Ord. 4557, 12/7/04*)
8. Home occupations subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot.
9. One Attached or Detached Residential Second Unit subject to the provisions of Section 35-142 (Residential Second Units). (*Added by Ord. 4169, 10/11/94; amended by Ord. 4517, 12/2/03*)

10. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
11. 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. *(Amended by Ord. 4186, 3/14/95 and Ord. 4557, 12/7/04)*

Sec. 35-73.4 *Uses Permitted With a Conditional Use Permit.* *(Amended by Ord. 4557, 12/7/04)*

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

1. Major Conditional Use Permits. *(Amended by Ord. 3395, 8/8/83)*
 - a. Club.
 - b. Educational institution for mentally normal persons.
 - c. Electric substations subject to regulations of the PU-Public Utilities District, Section 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. *(Amended by Ord. 4557, 12/7/04)*
 - b. Private Kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-73.5 *Minimum Lot Area.* *(Amended by Ord. 4557, 12/7/04)*

1. Each main dwelling unit and its permitted accessory buildings and structures shall be located upon a lot having a lot area and a 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 (feet)
1.5-EX-1	1.5	150
2.5-EX-1	2.5	200
3.5-EX-1	3.5	225

2. A dwelling may be located upon a lot with less area than required in Section 35-73.5.1 unless such lot is a fraction lot.

3. A dwelling may be located upon a lot with less width than required in Section 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. (*Amended by Ord. 4406, 9/12/00 and Ord. 4557, 12/7/04*)

Sec. 35-73.6 *Setbacks for Buildings and Structures.*

1. Front: 75 feet from the center line of any street but 125 feet from the center line of any street having a right-of-way of 80 feet or more. A through lot shall be considered as having two front yards.
2. Side: On each side of a dwelling, 25 feet, except as otherwise herein provided. The side yard setback required on the street side of a corner lot shall be the same as the front yard setback required on that street. In the case of a through lot, the side yards shall extend the full depth of the lot between street lines. For lots of less than 150 feet in width, not more than 33-1/3 percent of the total lot width shall be required for side yard setbacks, such reduced setbacks shall be equal in width on both sides of the lot for non-corner lots and equally reduced on both sides of the lot for corner lots. If the side yard setbacks are reduced for a dwelling under the preceding sentence, these reduced setbacks shall not apply to accessory buildings such as stables.
3. Rear: 25 feet.
4. Interior lots: On lots having no street frontage, all setbacks shall be a minimum of 25 feet.
5. Accessory Buildings:
 - a. Any portion of a main building designed for or occupied by an accessory use shall be so located as to comply with all requirements of this district relating to use, setbacks, and heights of buildings applicable to the main building.
 - b. Accessory buildings shall be located so as to conform to setback regulations of this district, except in the case of swimming pools and appurtenant structures wherein front, side, and rear setbacks may be decreased by 15 feet.

Sec. 35-73.7 *Distance Required Between Buildings on the Same Building Site.* (*Amended by Ord. 4557, 12/7/04*)

The minimum distance between dwellings, or between a dwelling and a guest house, on the same building site shall be 50 feet. The minimum distance between a 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 stories.

Sec. 35-73.8 *Height Limit*

No building or structure shall exceed 25 feet in height.

Sec. 35-73.9 *Parking.*

Parking shall be provided as specified in DIVISION 6, PARKING REGULATIONS, except:

1. There shall be provided at the time of the erection of the main building or structure, or at the time any main building or structure is enlarged, or guest houses erected, a minimum of six off-street parking spaces with adequate provisions for ingress from and egress to the street.
2. Not more than one bus or non-passenger motor vehicle or trailer used in commerce may be parked overnight on any lot, provided such bus, motor vehicle, or trailer does not exceed two axles, four tons, or eight feet in height and provided further that this restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction motor vehicles or trailers when such occasional overnight parking is reasonably serving the residential use of a particular lot.

Sec. 35-73.10 *Maximum Gross Floor Area (Floor Area Ratio or FAR).**(Added by Ord. 4186, 3/14/95)*

None, except that where a Residential Second Unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-142.6.6 (Development Standards) for residential second units.

Sec. 35-74. *DR - Design Residential.***Sec. 35-74.1 *Purpose and Intent.***

It is the purpose of this district to provide areas for residential development in a wide range of densities, housing types, and design, and to create open space within new residential developments. The intent is to ensure comprehensively planned and well-designed single family and multiple residential developments.

Sec. 35-74.2 *Preliminary Development Plan to be Included in Application for Rezoning.*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-74.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) except that development of one single-family dwelling on a single lot shall not require a Development Plan. Such single-family dwellings shall be subject to the processing and development requirements of the R-1/E-1 zoning district.
(Amended by Ord. 3959, 2/21/92)

Sec. 35-74.4 *Permitted Uses.* *(Amended by Ord. 3518, 6/3/85 & Ord. 4378, 11/16/99)*

1. Single family, duplex, triplex, and multi-family dwelling units, including developments commonly known as row houses, town houses, condominiums, cluster, and community apartment projects.
2. Parking lots, carports, and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.
3. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-74.4, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92)*
4. Golf courses.
5. Public parks, public playgrounds, and community centers.
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use of the same lot. *(Amended by Ord. 4557, 12/7/04)*
7. The keeping of animals accessory to a residential use located on the same lot and subject to the provisions of Section 35-419.12 (R-1/E-1, Animals). *(Amended by Ord. 4557, 12/7/04)*
8. Greenhouses, hothouses, and other plant protection structures subject to all of the following: *(Added by Ord. 3959, 2/21/92, Amended by Ord. 4557, 12/7/04)*
 - 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.
9. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
10. 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. *(Added by Ord. 4378, 11/16/99, Amended by Ord. 4557, 12/7/04)*

Sec. 35-74.5 *Uses Permitted With a Major Conditional Use Permit.*

1. Dormitories, student housing facilities, residence halls, sororities, and fraternities located in an area where such facilities are to be used by students of a permitted educational institution.

2. Commercial kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-74.6 Uses Permitted With a Minor Conditional Use Permit.

1. Dining commons, cafeterias, tobacco and magazine shops, book stores, bicycle rental and repair shops, and similar facilities accessory and incidental to developments permitted in paragraph 1. hereof, provided such uses are within the building and designed and used solely for the service and convenience of the residential development to which they are accessory and incidental.
2. Residential Child Care Center. *(Amended by Ord. 3518, 6/3/85; Ord. 4067, 8/18/92)*
3. Private kennels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-74.7 Lot Size/Density.

The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable Santa Barbara County Zoning Map and said number represents the number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit
DR-0.1	DR-0.1	435,600 (10 acres)
DR-0.2	DR-0.2	217,800 (5 acres)
DR-0.33	DR-0.33	130,680 (3 acres)
DR-0.5	DR-0.5	87,120 (2 acres)
DR-1	DR-1	43,560
DR-1.5	DR-1.5	29,040
DR-1.8	DR-1.8	24,200
DR-2	DR-2	21,780
DR-2.5	DR-2.5	17,424
DR-3	DR-3	14,520
DR-3.3	DR-3.3	13,200
DR-3.5	DR-3.5	12,445
DR-4	DR-4	10,890
DR-4.6	DR-4.6	9,470
DR-5	DR-5	8,712
DR-6	DR-6	7,260
DR-7	DR-7	6,222
DR-8	DR-8	5,445
DR-9	DR-9	4,840
DR-10	DR-10	4,356
DR-12	DR-12	3,630
DR-12.3	DR-12.3	3,540
DR-14	DR-14	3,111
DR-16	DR-16	2,722
DR-20	DR-20	2,178
DR-25	DR-25	1,742
DR-30	DR-30	1,452

Sec. 35-74.8 *Setbacks for Buildings and Structures.*

1. Front: 20 feet from the right-of-way line and 50 feet from the centerline of any public street and 45 feet from the centerline of any private street.
2. Side and Rear: One-half the height of the building or structure.

Sec. 35-74.9 *Distance Between Buildings.*

The minimum distance between buildings designed or used for human habitation and any other building on the same building site shall be five feet. *(Amended by Ord. 3839, 3/20/90)*

Sec. 35-74.10 *Building Coverage.*

Not to exceed 30 percent of the net area of the property shall be covered by buildings containing dwelling units.

Sec. 35-74.11 *Height Limit.*

No building or structure shall exceed a height of 35 feet.

Sec. 35-74.12 *Parking.*

In addition to the requirements of DIVISIONS 6 - PARKING REGULATIONS, the following regulations shall apply:

1. Parking Area Setbacks. Uncovered parking areas shall be located no closer than 15 feet to the street right-of-way line nor closer than five feet to any property line.
2. Design.
 - a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls.
(Amended by Ord. 4067, 8/18/92)

Sec. 35-74.13 *Open Space and Landscaping.*

1. Not less than 40 percent of the net area of the property shall be devoted to common and/or public open space.
2. Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width.
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 any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisor may prescribe. Said reasonable terms and conditions

may include restricting the rights to develop such property 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. (*Amended by Ord. 4557, 12/7/04*)

Sec. 35-75. PRD - Planned Residential Development.

Sec. 35-75.1 Purpose and Intent.

It is the purpose of this district to ensure comprehensively planned development of large acreages within designated urban areas that are intended primarily for residential use. The intent of this district is to:

1. Promote flexibility and innovative design of residential development to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
2. Encourage clustering of structures to preserve a maximum amount of open space;
3. Allow for a diversity of housing types; and,
4. Provide recreational opportunities for use by both the residents of the site and the public.

Sec. 35-75.2 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-75.3 Findings Required for Rezoning.

No property shall be rezoned to the PRD unless the Board of Supervisors shall first make the following findings:

1. That the property is of the type and character which is appropriate for a Planned Residential Development in accordance with the specific purpose and intent as set forth in Section 35.75.1.
2. That the property is within a designated urban area as shown on the Coastal Land Use Plan Maps.
3. That the property contains not less than 20 acres, all of which shall be included in the Preliminary Development Plan.
4. That the overall estimated population density which will result upon full development of the property under the Planned Residential Development District in accordance with the Preliminary Development Plan is appropriate for such area and will not have a detrimental

effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.

5. That the proposed development as shown on the Preliminary Development Plan is in conformance with the applicable policies of the Coastal Land Use Plan and Coastal Zoning Ordinance.

Sec. 35-75.4 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.

1. Relationship of project to surrounding land uses.
2. A copy of the proposed Covenants, Conditions, and Restriction's (CC&R's) including provisions for maintenance of open space, facilities, and services in the project site.

Sec. 35-75.5 *Specific Plans.*

For those areas requiring a Specific Plan, as set forth in the Coastal Land Use Plan, a Specific Plan shall be filed and approved prior to the submittal of a Preliminary Development Plan. The Director of Planning and Development shall waive the requirement for the Preliminary Development Plan if it is found that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall be in conformance with the Specific Plan for the project area.

Sec. 35-75.6 *Findings Required for Approval of Development Plans.*

In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to PRD unless all the following findings are made:

1. That the density and type of the proposed development is in conformance with the PRD District and applicable Coastal Land Use Plan policies.
2. That adequate provisions have been made within the proposed CC&Rs to establish permanent care and maintenance of public and common open spaces and recreational areas and facilities.
3. That the buildings and structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

Sec. 35-75.7 *Permitted Uses.*

1. Residential units, either attached or detached, including single family dwellings, duplexes, row houses, town houses, apartments, and condominiums.

2. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, and parks for the private use of the residents of the development, provided such facilities are not operated for remuneration. *(Amended by Ord. 4557, 12/7/04)*
3. Laundromat, meeting rooms, for use by residents of the development. *(Amended by Ord. 4067, 8/18/92)*
4. Where required by the Coastal Land Use Plan, resort visitor-serving facilities.
5. Home Occupations, subject to the provisions of Section 35-121 (General Regulations). *(Amended by Ord. 3836, 3/20/90)*
6. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-75.7, for use by on-site residents and/or employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92)*
7. Special Care Homes, subject to the provisions of Section 35-143.4. *(Added by Ord. 4378, 11/16/99)*
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: *(Amended by Ord. 4557, 12/7/04)*
 - 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. Uses, buildings, and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-75.8 *Uses Permitted With a Major Conditional Use Permit.*

The following uses may be permitted in developments of 200 dwelling units or more, subject to the issuance of a Major Conditional Use Permit as provided in Section 35-172 (Conditional Use Permits).

1. Commercial recreational facilities provided that such facilities are compatible with residential use, i.e., racquet ball courts, swim or tennis clubs, etc.
2. Visitor-serving commercial facilities, i.e., a motel or restaurant, provided that the County

shall proportionally reduce residential density otherwise permitted to accommodate facilities that provide overnight lodging.

3. Convenience establishments of a commercial and service nature serving such day to day needs of residents in the immediate area as food, drugs, gasoline, and other incidentals. Such convenience establishments shall be an integral part of the development, providing services related to the needs of the residents, and collectively occupying no more than two acres. These convenience establishments shall not by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic.

Sec. 35-75.9 Requirements of Coastal Land Use Plan.

Additional site specific requirements for property designated for Planned Development, PD, on Coastal Land Use Plan Maps are set forth in the text of the Coastal Land Use Plan.

Sec. 35-75.10 Lot Size/Density.

No minimum lot size. The maximum density for each property zoned PRD is specified in the Coastal Land Use Plan. The total number of dwelling units shall not exceed the density specified.

Sec. 35-75.11 Setbacks.

There are no standard setback requirements provided in this district. Use of standard zoning methods generally employed throughout the unincorporated area of the County of Santa Barbara does not give adequate means by which the County can accomplish the results desired in this district.

Setbacks shall be proposed and approved on the Preliminary and Final Development Plans in order to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD District. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.

Sec. 35-75.12 Building Coverage.

Not more than 30 percent of the net area of the property shall be covered by buildings containing dwelling units and in no case shall the total building coverage exceed 50 percent of the net area of the property.

Sec. 35-75.13 Height Limit.

No building or structure shall exceed a height of 35 feet.

Sec. 35-75.14 Parking.

In addition to the requirements of DIVISION 6-PARKING REGULATIONS, the following regulations shall apply:

1. Design.
 - a. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings, solid fences or walls.
(Amended by Ord. 4067, 8/18/92)

Sec. 35-75.15 Streets.

Streets may be public or private; however, all private streets shall be required to be constructed to County standards and adequate provisions shall be made in the CC&R's to ensure maintenance of private streets. The standards for any on-site improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Transportation or Planning and Development Departments. Street design shall relate to the function of the street and, particularly in hillside areas, where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.

Sec. 35-75.16 Open Space.

1. Amount. The County shall specify the required amount of public and common (private) open space in a planned residential development at the time of approval of the Preliminary Development Plan but in no case shall the total amount of public and common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and common open space shall be based on consideration of the following factors: (a) the need to protect for public use areas historically used by the public such as beaches and trails, (b) the avoidance of siting of structures in hazardous areas or on steep slopes, and (c) the protection of environmentally sensitive habitat areas and archaeological sites. Lands to be preserved as open space may be dedicated in fee to the County of Santa Barbara or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.
2. Maintenance of Public Open Space. The County may require the applicant to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If applicant is to maintain public open spaces, prior to the issuance of any permits for construction, a bond or other approved security shall be posted guaranteeing such maintenance.
3. Maintenance of Common Open Space. The common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as

described in the approved Final Development Plan.

Sec. 35-75.17 Landscaping.

Landscaping shall be installed and maintained in accordance with the approved Final Development Plan.

Along each side or rear yard of the PRD District abutting property zoned other than PRD an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. Such buffer shall be depicted on the Preliminary and Final Development Plan.

Sec. 35-75.18 Homeowners' Association.

At the time of submittal of the Preliminary Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. Such description shall be reviewed by County Counsel who shall make a recommendation to the Planning Commission. Required provisions shall include but are not limited to the following:

1. The Homeowners' Association shall be established before the homes are sold.
2. Membership shall be mandatory for each homebuyer and any successive buyer.
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities.
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property.
5. The Association shall be able to adjust the assessment to meet changed needs.

Sec. 35-76. SR-M - Medium Density Student Residential.

Sec. 35-76.1 Purpose and Intent.

The purpose of this district is to provide for residential development which is unique to a student-oriented community. The intent is to provide for multiple residential development at moderate densities to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage combining substandard lots to allow for a more efficient utilization of space.

Sec. 35-76.2 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary or Final Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-76.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) with the exclusion of single-family and duplex dwelling units.

Sec. 35-76.4 *Permitted Uses.*

1. One single family dwelling unit, one two-family dwelling or multi-unit dwellings. *(Amended by Ord. 4318, 6/23/98)*
2. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.
3. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.
4. Public parks, public playgrounds, and community centers.
5. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
6. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
7. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
8. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-76.4, for use by on-site residents and/or employees of the development; when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92)*

Sec. 35-76.5 *Use Permitted With a Minor Conditional Use Permit.*

1. Residential Child Care Center. *(Amended by Ord. 4067, 8/18/92)*
2. Commercial parking lot for residential land uses.
3. 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.
4. Meeting room, in excess of allowable bedrooms, for non-profit organizations, including fraternities and sororities.

Sec. 35-76.6 *Lot Size/Density.*

1. The maximum density for each lot zoned SR-M shall be specified by a number following the SR-M on the lot on the applicable Santa Barbara County Zoning Map and said number represents the maximum number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit (sq. ft.)
SR-M-8	8	5,445
SR-M-18	18	2,420

2. The proposed development shall be located upon a lot having a minimum net lot width of 65 feet and a minimum net lot area of 7,000 square feet. *(Amended by Ord. 4318, 6/23/98)*
3. A building or structure may be located upon a smaller lot if such lot, either:
 - a) Is eligible for a Certificate of Compliance, or a Conditional Certificate of Compliance with all conditions satisfied, and such lot was, at the time of its creation, in conformity with the zoning ordinance then in existence, except for fraction lots; or *(Amended by Ord. 4406, 9/12/00)*
 - b) Was approved under provisions of the State Subdivision Map Act and/or local ordinances adopted pursuant thereto.
4. For lots which have 100 feet or more of street frontage, buildings shall be sited in such a manner so as to avoid a continuous stretch of building along the street frontage by clustering the buildings on one side of the lot, breaking up the development into more than one building, or through other architectural design features to reduce the visual impact of the building(s).

Sec. 35-76.7 *Bedroom Density.*

1. There shall be not more than one bedroom for each 2,500 square feet of net lot area, provided however, that each lot is permitted at least three bedrooms. Dwelling unit area in excess of the following maximums shall be treated and counted as additional bedrooms for the purposes of this section, and for the purposes of Section 35-76.11, Parking, as follows: For each bedroom in excess of 160 square feet, for each studio dwelling unit in excess of 500 square feet, for each living room or dining room in excess of 400 square feet, and for each room other than the living room, dining room, kitchen, bathroom(s), and meeting room (if dwelling is occupied by a non-profit organization), each 80 square feet of excess area from all units on a site combined shall count as additional area for which additional parking spaces shall be required, and each 160 square feet of such excess area shall count as an additional bedroom for the bedroom density standard.

Sec. 35-76.8 *Setbacks for Buildings and Structures.*

1. Front: 50 feet from the center line and 20 feet from the right-of-way line of the street. For purposes of this paragraph, the right-of-way line shall be determined by the Public Works

Department.

2. Side: On each side of the lot, 10 percent of the width of the lot but not less than five feet. When the width of the required side yard exceeds 10 feet, one side yard may be permitted to be retained at 10 feet provided the amount in excess of 10 feet is added to the other side yard.
3. Rear: 25 feet.

Sec. 35-76.9 *Distance Between Buildings on the Same Building Site.*

The minimum distance between a building designed or used for human habitation and any other detached building on the same building site shall be five feet, unless a more stringent standard is required by the Public Works Department. *(Amended by Ord. 3839, 3/20/90)*

Sec. 35-76.10 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-76.11 *Parking.*

In addition to the requirements of DIVISION 6, PARKING REGULATIONS, the following regulations shall apply:

1. Parking spaces to be permanently maintained on the same or nearby site within 500 feet of the lot on which the dwelling(s) is located for which the parking is required:
 - a. Single-family or multiple-residential unit: two spaces per studio or bedroom; however, a unit or units with a total of three bedrooms on any lot smaller than 7,500 net square feet shall require a total of four parking spaces, provided that no additional parking for the unit(s) would be required under Section 35-76.7 (Bedroom Density).
 - b. Fraternities, sororities, dormitories, and boarding and lodging houses in Isla Vista: two spaces per studio or bedroom and one space per two employees.
2. Parking may be provided on a nearby site if permanently dedicated to the development.
3. Tandem parking shall be allowed on lots of 25 feet or less in width or to satisfy the parking requirements for legally nonconforming owner-occupied units. Dual tandem parking may be allowed in a two-by-two arrangement for a total of four parking spaces.
4. A one foot encroachment into each side setback area shall be allowed for parking on lots of 25 feet or less in width.
5. Design
 - a. Parking areas shall be arranged so as to prevent through traffic to parking areas on other parcels.

- b. Uncovered parking areas accommodating more than five vehicles located between the main building and any abutting street shall be screened from the street and from adjacent property by an ornamental masonry wall or screen planting or both in accordance with Section 35-115.3.
6. The parking standards required by this section shall not be subject to modification as provided in Section 35-174.8 (Development Plans).
7. Parking shall be allowed in the front setback areas on parcels located on the bluff, so long as a minimum of 5 feet is maintained between the right of way line of the adjacent street and the parking area.
8. Up to 30 percent of the required number of parking spaces may be provided as compact car spaces.

Sec. 35-76.12 Bicycle Parking Spaces.

All development within this district shall provide one unenclosed and one enclosed, permanently maintained and secure bicycle storage space for each bedroom and/or studio apartment within the development.

Sec. 35-76.13 Landscaping.

1. Not less than 15 percent of the net lot area shall be devoted to landscaping.
2. Landscaping shall be installed and permanently maintained in accordance with the approved Final Development Plan or Coastal Development Permit.

Sec. 35-76.14 Sidewalk.

Prior to the issuance of any Coastal Development Permit for buildings or structures, all plans for new or altered buildings and structures shall be reviewed by the Road Division of the Public Works Department for frontage improvement conditions. As a condition to the issuance of a Coastal Development Permit for any building or structure, the owner or his agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of his property that are determined by the County Department of Public Works, Road Division, to be reasonably related to the proposed use of the property.

Sec. 35-77. SR-H - High Density Student Residential. *(Added by Ord. 3736, 11/21/88)*

Sec. 35-77.1 Purpose and Intent.

The purpose of this district is to provide for residential development which is unique to a student-oriented community. The intent is to provide for multiple residential development at moderate densities to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage the combining of substandard lots to allow for a more efficient utilization of space. The provision of affordable housing within this district shall be encouraged.

Sec. 35-77.2 *Preliminary Development Plan to be Included in Application for Rezoning.*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary or Final Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-77.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) with the exclusion of single-family and duplex dwelling units.

Sec. 35-77.4 *Permitted Uses.*

1. One single family dwelling unit, one two-family dwelling or multi unit dwellings. *(Amended by Ord. 4318, 6/23/98)*
2. Dormitories, student housing facilities, residence halls, sororities and fraternities located in an area where such facilities are to be used by students of an educational institution.
3. Parking lots, carports, and garages designed and used for individual units within the development and either adjacent to such units or centrally located to serve a group of units. The required parking may be located on lots within 500 feet of the lot containing the development requiring such parking, subject to conditions which will insure permanent maintenance of such parking spaces so long as the development exists.
4. Accessory uses, buildings, and structures which are incidental, and subordinate to, permitted uses and not involving the maintenance of a commercial enterprise on the premises.
5. Public parks, public playgrounds, and community centers.
6. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
7. Orchard, truck and flower gardens, and the raising of field crops, provided there is no sale on the property of the products produced.
8. Greenhouses, hothouses, and other plant protection structures not exceeding 300 square feet, used only for the propagation and cultivation of plants, provided no advertising sign, commercial display room, or sales stand is maintained in connection therewith.
9. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-77.4, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Amended by Ord. 4067, 8/18/92)*
10. Emergency Shelter. *(Added by Ord. 4169, 10/11/94)*

Sec. 35-77.5 Uses Permitted With a Minor Conditional Use Permit.

1. Residential Child Care Center. *(Amended by Ord. 4067, 8/18/92)*
2. Commercial parking lot for residential land uses.
3. 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.
4. Meeting room, in excess of allowable bedrooms, for non-profit organizations, including fraternities and sororities.

Sec. 35-77.6 Lot Size/Density.

1. The maximum density for each lot zoned SR-H shall be specified by a number following the SR-H on the lot on the applicable Santa Barbara County Zoning Map and said number represents the maximum number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre
SR-H-20	20

2. The proposed development shall be located upon a lot having a minimum net lot width of 65 feet and a minimum net lot area of 7,000 square feet. *(Amended by Ord. 4318, 6/23/98)*
3. A building or structure may be located upon a smaller lot if such lot, either:
 - a) Is eligible for a Certificate of Compliance, or a Conditional Certificate of Compliance with all conditions satisfied, and such lot was, at the time of its creation, in conformity with the zoning ordinance then in existence, except for fraction lots; or *(Amended by Ord. 4406, 9/12/00)*
 - b) Was approved under provisions of the State Subdivision Map Act and/or local ordinances adopted pursuant thereto.
4. For lots which have 100 feet or more of street frontage, buildings shall be sited in such a manner so as to avoid a continuous stretch of buildings along the street frontage by clustering the buildings on one side of the lot, breaking up the development into more than one building, or through other architectural design features to reduce the visual impact of the building(s).

Sec. 35-77.7 Bedroom Density.

1. There shall be not more than one bedroom for each 1,200 square feet of net lot area, provided however, that each lot is permitted at least three bedrooms. Dwelling unit area in excess of the following maximum shall be treated and counted as additional bedrooms for the purposes of this section and for the purposes of Section 35-77.12, Parking, as follows: For each bedroom in excess of 160 square feet, for each studio dwelling unit in excess of 500 square feet, for each living room or dining room in excess of 400 square feet, and for each room other than the living room, dining room, kitchen, bathroom(s), and meeting

room (if dwelling is occupied by a non-profit organization), each 80 square feet of excess area from all units on a site combined shall count as additional area for which additional parking spaces shall be required, and each 160 square feet of such excess area shall count as an additional bedroom for the bedroom density standard.

Sec. 35-77.8 Setbacks for Buildings and Structures.

1. Front: 50 feet from the center line and 20 feet from the right-of-way line of the street. For purposes of this paragraph, the right-of-way line shall be determined by the Public Works Department.
2. Side: On each side of the lot, 10 percent of the width of the lot but not less than five feet. When the width of the required side yard exceeds 10 feet, one side yard may be permitted to be retained at 10 feet provided the amount in excess of 10 feet is added to the other side yard.
3. Rear: 25 feet.

Sec. 35-77.9 Distance Between Buildings on the Same Building Site.

The minimum distance between a building designed or used for human habitation and any other detached building on the same building site shall be five feet, unless a more stringent standard is required by the Public Works Department. *(Amended by Ord. 3839, 3/20/90)*

Sec. 35-77.10 Building Coverage.

Not to exceed 30 percent of the net area of the property shall be covered by buildings containing dwelling units. Structures shall be sited taking into consideration the following factors: scenic qualities of the site, protection of natural and/or coastal resources, preservation of existing healthy trees on the site, design aesthetics, privacy and light, and solar exposure.

Sec. 35-77.11 Height Limit.

No building or structure shall exceed a height of 35 feet.

Sec. 35-77.12 Parking.

In addition to the requirements of DIVISION 6, PARKING REGULATIONS, the following regulations shall apply:

1. Parking spaces to be permanently maintained on the same or nearby site within 500 feet of the lot on which the dwelling(s) is located for which the parking is required:
 - a. Single-family or multiple-residential unit: two spaces per studio or bedroom.
 - b. Fraternities, sororities, dormitories, and boarding and lodging houses in Isla Vista: two spaces per studio or bedroom and one space per two employees.
2. Parking may be provided on a nearby site if permanently dedicated to the development.

3. Tandem parking shall be allowed on lots of 25 feet or less in width or to satisfy the parking requirements for legally nonconforming owner-occupied units. Tandem parking shall be limited to one space behind another for a total of two parking spaces.
4. A one foot encroachment into each side setback area shall be allowed on lots of 25 feet or less in width for parking.
5. Designa. Parking areas shall be arranged so as to prevent through traffic to parking areas on other parcels.
 - b. Uncovered parking areas accommodating more than five vehicles located between the main building and any abutting street shall be screened from the street and from adjacent property by an ornamental masonry wall or screen planting or both in accordance with Section 35-115.3.
6. The parking standards required by this section shall not be subject to modification as provided in Section 35-174.8.
7. Up to 30 percent of the required number of parking spaces may be provided as compact car spaces.

Sec. 35-77.13 Bicycle Parking Spaces.

All developments within this district shall provide one unenclosed and one enclosed, permanently maintained and secure bicycle storage space for each bedroom and/or studio apartment within the development.

Sec. 35-77.14 Open Space and Landscaping.

1. Not less than 15 percent of the net lot area shall be devoted to landscaping.
2. Landscaping shall be installed and permanently maintained in accordance with the approved Final Development Plan or Coastal Development Permit.

Sec. 35-77.15 Sidewalk.

Prior to the issuance of any Coastal Development Permit for buildings or structures, all plans for new or altered buildings and structures shall be reviewed by the Road Division of the Public Works Department for frontage improvement conditions. As a condition to the issuance of a Coastal Development Permit for any building or structure, the owner or his agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of his property that are determined by the County Department of Public Works, Road Division, to be reasonably related to the proposed use of the property.

Sec. 35-77A. C-1 - Limited Commercial. *(Added by Ord. 3736, 11/21/88)****Sec. 35-77A.1 Purpose and Intent.***

The purpose of the C-1 zone district is to provide areas for commercial activities, including both retail businesses and service commercial activities, that serve the travelling public as well as the

local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor, lighting, traffic, or degradation of visual aesthetic values. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-77A.2 *Processing.*

1. No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).
2. Prior to the issuance of any Coastal Development Permit for buildings and structures which exceed 5,000 square feet in gross floor area, a Final Development Plan shall be approved as provided in Section 35-174 (Development Plans).
3. All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review). *(Amended by Ord. 4584, 11/22/05)*

Sec. 35-77A.3 *Permitted Uses.* *(Amended by Ord. 4318, 6/23/98)*

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning substations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.

10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration.
11. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
12. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

Sec. 35-77A.4 Uses Permitted with a Major Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and motels.

Sec. 35-77A.5 Uses Permitted with a Minor Conditional Use Permit.

1. Automobile service station, provided no gasoline is stored above ground.
2. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
3. Community Center.
4. Certified Farmer's Market *(Added by Ord. 4086, 12/15/92)*

Sec. 35-77A.6 Minimum Lot Size.

1. None, except for parcels where a single family residence is the only use and in those instances the minimum lot size shall be 5,000 square feet for lots located in the Summerland Community Plan planning area, and 7,000 square feet for all lots located outside the Summerland Community Planning area. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-77A.7 Setbacks.

1. Front: 30 feet from centerline and 15 feet from right-of-way. Open canopies, porches, and similar unenclosed structures may extend to within five feet of the public right-of-way.

2. Side: 10 percent of the width of the lot but no less than five feet and no greater than 10 feet.
3. Rear: 10 percent of the depth of the lots, but in no case shall the rear setback be required to exceed 10 feet, except that for any lot having a rear boundary abutting a lot zoned for residential uses, the required rear yard setback shall be no less than 25 feet.

Sec. 35-77A.8 Distance Required Between Buildings on the Same Building Site.

None, except that buildings devoted wholly or partially to a residential use shall have a minimum distance of five feet from any other detached building on the same building site.

Sec. 35-77A.9 Height Limit.

1. No building or structure shall exceed 25 feet to the highest point of roof.

Sec. 35-77A.10 Parking.

As required in DIVISION 6, PARKING REGULATIONS, except that required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts as long as the spaces provided are within a distance of no greater than 500 feet as measured along streets, not alleys, from the property line, subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.

Sec. 35-77A.11 Landscaping.

1. Along each side abutting a residential district, there shall be provided a minimum five foot wide landscape area. In addition, a minimum of 15 feet in width from the street right-of-way shall be landscaped.
2. For developments not requiring a Development Plan, a landscape plan shall be approved by the Planning and Development Department and installation and maintenance guaranteed by performance securities. *(Amended by Ord. 4318, 6/23/98)*
3. All parking areas shall be landscaped as required under DIVISION 6, PARKING REGULATIONS.

Sec. 35-77A.12 Storage.

Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.

Sec. 35-78. C-2 - Retail Commercial.***Sec. 35-78.1 Purpose and Intent.***

To provide areas for local retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.

Sec. 35-78.2 *Processing.*

1. No permits for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).
2. Prior to the issuance of any Coastal Development Permit for buildings and structures which total 5,000 or more square feet in gross floor area or where on-site buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet in size, a Development Plan shall be approved as provided in Section 35-174 (Development Plans). *(Amended by Ord. 4318, 6/23/98)*
3. All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review). *(Amended by Ord. 4584, 11/22/05)*

Sec. 35-78.3 *Permitted Uses.*

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls. *(Amended by Ord. 4298, 3/24/98)*
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals. *(Amended by Ord. 3960, 2/21/92)*
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards. *(Amended by Ord. 4584, 11/22/05)*
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.
6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc. *(Amended by Ord. 3960, 2/21/92)*
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge. *(Amended by Ord. 4298, 3/24/98)*
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.

11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes. *(Amended by Ord. 3960, 2/21/92)*
20. Spas or health clubs. *(Added by Ord. 4298, 3/24/98)*
21. Non-Residential Child Care Center, pursuant to Section 35-143.3. *(Added by Ord. 4378, 11/16/99)*
22. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes. *(Amended by Ord. 3960, 2/21/92)*

Sec. 35-78.4 Uses Permitted With a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.
2. Bus terminal.
3. Outdoor theater.
4. Swap meet.

Sec. 35-78.5 ***Uses Permitted With a Minor Conditional Use Permit.*** *(Amended by Ord. 4298, 3/24/98)*

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Automobile and machinery repair and service conducted partially or wholly outdoors.
3. Boat sales yard and boat repair and services, but not including painting or junk yards for boats. *(Amended by Ord. 3960, 2/21/92)*
4. Cabinet shop.
5. Cleaning and dyeing establishment.
6. Electrical shop.
7. Frozen food locker as part of a retail store.
8. Furniture repair and upholstery.
9. Handicraft-type industries subject to the provisions of Section 35-172.11 (Conditional Use Permits).
10. Lumber and building materials sales yard.
11. Mechanical car wash.
12. Plumbing, heating, and ventilating shop.
13. Pump sales and service.
14. Outdoor sale of pool supplies, patio furniture, and spas.
15. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
16. Sales or storage lot for trailers, including trailers used for carrying property, and recreational vehicles. *(Amended by Ord. 3960, 2/21/92; amended by Ord. 4557, 12/7/04)*
17. Sign painting shop.
18. Trailer rentals, including trailers used for carrying property, and truck rentals.
19. Welding and small tool machine shop.
20. Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot. *(Amended by Ord. 4298, 3/24/98)*

21. Certified Farmer's Market. *(Added by Ord. 4086, 12/15/92)*
22. Emergency Shelter. *(Added by Ord. 4169, 10/11/94)*
23. Single Room Occupancy Facility. *(Added by Ord. 4169, 10/11/94)*

Sec. 35-78.6 *Minimum Lot Size.*

None.

Sec. 35-78.7 *Setbacks for Buildings and Structures.*

1. Front:
 - a. 30 feet from the centerline and 10 feet from the right-of-way line of any public street.
 - b. In addition, 42 feet from the centerline of any street with four or more lanes or a two-lane expressway, as defined in the Circulation Element text and designated on the Circulation Element Maps of the County's Comprehensive (General) Plan.
 - c. Open canopies, porches, roofed or unroofed, and similar accessory structures may encroach not more than 12 feet into the front setback area, provided that in no event shall such structures encroach upon a public street right-of-way.
2. Side: None, except when side yards are provided, they shall be a minimum of three feet. *(Amended by Ord. 3841, 3/20/90)*
3. Rear: 10 percent of the depth of said lot, but in no case shall the rear yard setback be required to exceed 10 feet, except that for any lot having a rear boundary abutting the rear boundary of a lot zoned residential, the required rear yard setback shall be not less than 25 feet.

Sec. 35-78.8 *Distance Between Buildings.*

None, except that the minimum distance for residential buildings be five feet. *(Amended by Ord. 3839, 3/20/90)*

Sec. 35-78.9 *Height Limit.*

No building or structure shall exceed a height of 35 feet.

Sec. 35-78.10 *Parking.*

As required in DIVISION 6, PARKING REGULATIONS, except that:

1. Required parking spaces shall be provided:
 - a. On the same lot or premises as the main building;
 - b. In public or private parking lots permanently committed to parking within 500 feet of

- the lot or premises on which the main building is located, as measured along streets not alleys; or
- c. In publicly owned parking lots of legally constituted Parking Districts subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.
2. The minimum parking requirement shall be one parking space for each 500 square feet, or fraction thereof, of gross floor area:
 - a. When the gross floor area of the proposed buildings or structures and proposed addition to existing buildings or structures is less than 5,000 square feet, before the Coastal Development Permit is approved, the Director shall review the adequacy of the proposed parking spaces and may (1) reduce the parking spaces required down to one parking space for each 750 square feet, or fraction thereof, if he/she finds that the proposed use requires less parking spaces or that there are off-lot or off-premise parking spaces available in the area on public streets or land permanently committed to parking, or (2) increase the parking spaces required up to one parking space for each 250 square feet, or fraction thereof, if he finds that the proposed use requires more parking spaces or that there are inadequate off-lot or off-premise parking spaces available in the area on public streets or land permanently committed to parking.
 - b. If the required parking spaces are reduced by the Director because of the proposed use, a subsequent change of use must provide the parking spaces required by this section, unless reduced by the Director.

Sec. 35-78.11 *Landscaping.*

For developments not requiring a Development Plan, a landscape plan shall be approved by the Planning and Development Department and installation and maintenance guaranteed by performance securities. *(Amended by Ord. 3842, 2/20/90)*

Sec. 35-78.12 *Storage.*

Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.

Sec. 35-79. *Reserved for Future Use.* *(Deleted by Ord. 4557, 12/7/04)***Sec. 35-80. *CH - Highway Commercial.*****Sec. 35-80.1 *Purpose and Intent.***

The purpose of this district is to provide areas adjacent to highways or freeways exclusively for uses which serve the highway traveler.

Sec. 35-80.2 *Processing.*

1. No permits for development including grading shall be issued except in conformance with

an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

2. No Preliminary Development Plan is required for property zoned CH.
3. A Final Development Plan shall not be required for the following, provided all other requirements of the CH District are complied with:
 - a. Any extension or addition of uses, buildings, or structures on property developed as of February 1, 1963.
 - b. Legal lots containing less than 20,000 square feet of net land area created on or before February 1, 1963.

Sec. 35-80.3 *Permitted Uses.*

1. Motels and hotels.
2. Restaurants.
3. Automobile service stations and garages, but not including junk yards or the storage or wrecking of used cars or machinery. *(Amended by Ord. 4067, 8/18/92)*
4. Dwellings occupied by the owner or his employees, and their families, where such persons manage or operate the principal use of the property, including persons acting as caretakers or night watchmen, whose work makes it essential that they reside on the property.
5. Bus terminals and train stations.
6. Such agricultural uses as are permitted on any abutting parcel zoned in an agriculture or residential district.
7. Mini-mart/convenience stores of less than 3000 square feet of floor area. *(Added by Ord. 4067, 8/18/92)*
8. Any other use which the Planning Commission determines to be a commercial establishment operated primarily for the purpose of serving the essential needs of travelers on highways.
9. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-80.4., for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92)*
10. Accessory uses, buildings, or structures customarily incidental to the above uses.

Sec. 35-80.4 *Uses Permitted With a Major Conditional Use Permit.*

1. Overnight recreation-vehicle facilities.

2. Stadium, drive-in theater, or other establishment where large assemblages of people and automobiles are involved, but not including swap meets.
3. Wholesale establishments distributing materials and products essential to agriculture and farming operations, except manure.
4. Retail grocery stores not exceeding 5,000 square feet of market area.

Sec. 35-80.5 Uses Permitted With a Minor Conditional Use Permit.

1. Commercial driving tees, putting ranges, and golf courses.
2. Truck service station (defined as a place of business primarily engaged in providing service station facilities for cargo vehicles.).
3. Mechanical car washes, except where the property abuts a residential district, subject to the construction of masonry walls, fencing, installation of landscaping, and other methods of reducing noise effects on abutting property, and subject to such controls over access, parking, and landscaping as will make such use compatible with adjacent uses.
4. Residences provided the residential use is secondary to a primary commercial use on the same lot. *(Amended by Ord. 3962, 2/21/92)*

Sec. 35-80.6 Setbacks for Buildings and Structures.

1. Front: 15 feet from the right-of-way line of any street.
2. Side and Rear: None, except within the side yards adjacent to the front yard, the front yard setback shall apply. However, where the lot abuts property in a different zoning district classification the side and rear setbacks of the abutting district shall apply to such lot.

Sec. 35-80.7 Coverage.

Not more than 40 percent of the net lot area shall be occupied by buildings and structures provided however that this requirement may be waived by the Director in the case of legal lots containing less than 20,000 square feet in net land area created prior to February 1, 1963.

Sec. 35-80.8 Height Limit.

No building or structure shall exceed a height of 35 feet.

Sec. 35-80.9 Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

Sec. 35-80.10 Landscaping/Screening.

1. Not less than five percent of the net lot area shall be landscaped.

2. Along each side or rear boundary abutting a residential district there shall be provided an ornamental masonry wall not less than six feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets, plus a row of trees of a type approved by the Director, which will provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.
3. Where property on the opposite side of an existing or proposed street is zoned for residential uses, there shall be provided along each boundary abutting such street an ornamental masonry wall not less than three feet in height, except at access points. Said wall shall be set back from the property line not less than three feet, which setback shall be landscaped, provided however, that no such wall shall be required along the front line of a service station. These conditions may be modified by the Director or Planning Commission when it is found that because of street width or other conditions, such protection of residential values on the opposite side of the street is not required.
4. Said landscaping shall be installed and maintained in accordance with the approved Final Development Plan.

Sec. 35-81. C-V - Resort/Visitor Serving Commercial.

Sec. 35-81.1 Purpose and Intent.

The purpose of the Resort/Visitor Serving Commercial district is to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of the resources of the site through comprehensive site planning. It is the intent of this district to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. Where this district is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.

Sec. 35-81.2 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-81.3 Processing. *(Amended by Ord. 4196, 5/16/95)*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Sec. 35-81.4 Findings Required for Approval of Development Plans.

In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be

rezoned to Resort/Visitor Serving Commercial unless the Planning Commission also makes the following findings:

1. For development in rural areas as designated on the Coastal Land Use Plan Maps, the project will not result in a need for ancillary facilities on nearby land, i.e., residences, stores, etc.
2. For developments surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.
3. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*

Sec. 35-81.5 Permitted Uses.

1. Resort, guest ranch, hotel, motel, country club, convention and conference center.
2. Light commercial uses (i.e., barber and beauty shops, gift shops, restaurants, etc.) normally associated with the needs of visitors, provided such commercial activities are so designed and limited as to be incidental and directly oriented to the needs of visitors and do not substantially change the character of the resort/visitor-serving facility.
3. Recreational facilities, including but not limited to piers, boat docks, golf courses, parks, playgrounds, riding and hiking trails, tennis courts, swimming pools, beach clubs.
4. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-81.5, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92)*
5. Accessory uses, buildings, and structures which are customarily incidental to the above uses.

Sec. 35-81.6 Uses Permitted With A Major Conditional Use Permit.

1. Public riding stable, campgrounds (including tent camping, camper and recreational vehicle parks), and hostels.
2. In areas designated as rural on the Coastal Land Use Plan maps, a gas station may be permitted if no such facility exists within 10 miles of the perimeter of the site.

Sec. 35-81.7 Uses Permitted With a Minor Conditional Use Permit. *(Added by Ord. 3963, 2/21/92)*

1. Residences, provided the residential use is secondary to a primary commercial use on the same lot .

Sec. 35-81.8 Setbacks for Buildings and Structures.

1. Front: 50 feet from the centerline and 20 feet from the right-of-way line of any street.

2. Side and Rear: 20 feet.
3. In addition, no building or structure shall be located within 50 feet of a lot zoned residential.

Sec. 35-81.9 *Height Limit.* *(Amended by Ord. 4196, 5/16/95)*

No building or structure shall exceed a height of 35 feet. In addition, for development surrounded by areas zoned residential, no building or structure shall exceed two stories. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Sec. 35-81.10 *Parking.* *(Amended by Ord. 4196, 5/16/95)*

As provided in DIVISION 6 - PARKING REGULATIONS, except that the Planning Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Sec. 35-81.11 *Open Space.*

1. A minimum of 40 percent of the net area of the lot(s) shall be retained in public and/or common open space.
2. For developments surrounded by areas zoned residential, not more than one-third of the gross area of the lot(s) shall be covered by buildings and structures.

Sec. 35-81.12 *Landscaping.* *(Amended by Ord. 4196, 5/16/95)*

Landscaping shall be installed and maintained in accordance with the approved Final Development Plan. Along each side or rear yard abutting a residential district, an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent residents from impacts of noise or lighting and to provide separation between residential and commercial uses. Such buffer shall be included in the Preliminary and Final Development Plan. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Sec. 35-82. *Reserved for Future Use.* *(Deleted by Ord. 4557, 12/7/04)*

Sec. 35-83. *PI - Professional and Institutional.*

Sec. 35-83.1 *Purpose and Intent.*

The purpose of this district is to provide appropriately located areas for professional uses and for educational, institutional, governmental, and other public facilities. It is the intent of this district to ensure that such uses are well-designed and landscaped so as to be harmonious with surrounding land uses.

Sec. 35-83.2 *Preliminary Development Plan to be Included in Application for Rezoning.*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-83.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-83.4 *Permitted Uses.*

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
5. Community, civic center, and governmental buildings and structures.
6. Clubs, golf courses, and country clubs.
7. Cemetery, crematory, or mausoleums.
8. Off-street parking facilities accessory and incidental to an adjacent commercial use.
9. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot. *(Added by Ord. 4378, 11/16/99)*
10. Athletic clubs. *(Added by Ord. 4557, 12/7/04)*
11. Banks and savings and loans offices. *(Added by Ord. 4298, 3/24/98)*
12. Any other professional or institutional use which the Planning Commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, danger to life or property, or other similar causes. *(Added by Ord. 4557, 12/7/04)*

13. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-83 when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92; Amended by Ord. 4378, 11/16/99)*
14. Uses, buildings and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-83.5 *Uses Permitted With Major Conditional Use Permit.*

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Restaurants located in an office building, but not including drive-through or fast food restaurants and not including cocktail lounges or bars.

Sec. 35-83.6 *Uses Permitted with a Minor Conditional Use Permit.* *(Added by Ord. 3964, 2/21/92)*

1. Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot. *(Amended by Ord. 4298, 3/24/98)*
2. Certified Farmer's Market. *(Added by Ord. 4086, 12/15/92)*

Sec. 35-83.7 *Limitation on Uses.*

No sales, production, repair, or processing shall take place on any site except to the extent necessary for and incidental to operation of the permitted or conditionally permitted uses.

Sec. 35-83.8 *Setbacks for Buildings and Structures.*

1. Front: 45 feet from the centerline and 15 feet from the right-of-way line of any public street, provided, however, that no portion of a building or structure designed for housing automobiles which opens directly onto a public street shall be located closer than 20 feet to said right-of-way line.
2. Side and Rear: 15 feet.

Sec. 35-83.9 *Distance Between Buildings.* *(Amended by Ord. 3839, 3/20/90)*

None, except that the minimum distance for residential buildings shall be five feet.

Sec. 35-83.10 *Building Coverage.*

Not to exceed 40 percent of the net area of the property shall be covered with any portion of a building.

Sec. 35-83.11 *Height Limit.*

No building or structure shall exceed a height of 35 feet.

Sec. 35-83.12 Parking.

In addition to the requirements of DIVISION 6 - PARKING REGULATIONS, the following regulations shall apply:

Required Spaces. For offices, one parking space for each 200 square feet of floor space.

Sec. 35-83.13 Landscaping.

Not less than 10 percent of the net area of the property shall be devoted to landscaping. Landscaping shall be installed and maintained in accordance with the approved Final Development Plan.

Sec. 35-84. M-RP - Industrial Research Park.***Sec. 35-84.1 Purpose and Intent.***

The purpose of this district is to provide areas exclusively for light industry, technical research, and business headquarters office uses in well-designed buildings and attractively landscaped areas. The intent is to establish development standards and landscaping requirements to ensure a park-like environment for the uses permitted and compatibility with adjoining non-industrial area.

Sec. 35-84.2 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-84.3 Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-84.4 Permitted Uses.

1. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters, and related equipment.
2. Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas.
3. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.
4. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties.

5. Assembly of electrical appliances, electronic instruments, and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
6. Printing, embossing, engraving, etching, lithographic, and bookbinding plants.
7. Experimental photo or motion picture film, research, and testing laboratories.
8. Scientific instrument and equipment manufacture or precision machine shops.
9. Manufacture of optical goods.
10. Packaging business.
11. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district.
12. Storage warehouse and wholesale distributing.
13. Research, development, and testing laboratories and facilities.
14. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life or property, or similar causes.
15. Aquaculture subject to the provisions of Section 35-136 (General Regulations).
16. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, banks, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot. *(Amended by Ord. 4378, 11/16/99)*
17. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts which are operated only for the use of the employees in the industrial research park.
18. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-84.4, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4067, 8/18/92; Amended by Ord. 4378, 11/16/99)*
19. Emergency Shelter. *(Added by Ord. 4169, 10/11/94)*
20. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses.

Sec. 35-84.5 *Uses Permitted With a Major Conditional Use Permit.*

1. On shore oil development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals, subject to the requirements set forth in DIVISION 9-OIL AND GAS FACILITIES.

Sec. 35-84.6 *Uses Permitted with a Minor Conditional Use Permit.* *(Added by Ord. 4086, 12/15/92)*

1. Certified Farmer's Market.

Sec. 35-84.7 *Performance Standards.*

1. All activities, other than incidental loading and unloading, and other incidental handling, shall be conducted wholly within a completely enclosed building.
2. The volume of sound, measured during calm air conditions, generated by or resulting from any use, other than motor vehicles, operated in any lot shall not exceed 50 decibels at any point along the boundary of or outside of the lot upon which such use is located.
3. The ground vibration generated by any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.
4. Except for the heating of buildings, there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles, located upon the lot.
5. All activities shall be conducted in such a manner so as not to be injurious to the health, safety or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

Sec. 35-84.8 *Minimum Lot Size.*

Each lot shall have a minimum net lot area of one acre.

Sec. 35-84.9 *Setbacks for Buildings and Structures.*

1. Front:
 - a. 80 feet from the centerline and 50 feet from the right-of-way line of any street.
 - b. From secondary interior streets of an industrial research park, 20 feet from the right-of-way line of the street.
2. Side:
 - a. 10 feet.
 - b. On corner lots, the side yard along the street shall conform to the front setback of this district.

3. Rear:
 - a. 10 feet.
 - b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.

Sec. 35-84.10 Coverage.

Not more than 35 percent of the net area of the property shall be occupied by buildings and structures.

Sec. 35-84.11 Height Limit.

No building or structure shall exceed a height of 35 feet.

Sec. 35-84.12 Parking.

As required in DIVISION 6--PARKING REGULATIONS.

Sec. 35-84.13 Landscaping.

Not less than 30 percent of the net area of the property shall be landscaped. All landscaping shall be in conformance with the approved Final Development Plan. In addition, where any portion of a lot abuts a lot in a residential district, the first 20 feet of the rear setback or the first five feet of the side setback shall be landscaped and a masonry wall not less than six feet in height shall be provided.

Sec. 35-84A. Reserved for Future Use. *(Added by Ord. 4110, 7/20/93, Deleted by Ord. 4557, 12/7/04)*

Sec. 35-85. Reserved for Future Use. *(Deleted by Ord. 4557, 12/7/04)*

Sec. 35-86. Reserved for Future Use. *(Deleted by Ord. 4557, 12/7/04)*

Sec. 35-87. M-CD - Coastal Dependent Industry.

Sec. 35-87.1 Purpose and Intent.

The purpose of this district is to provide areas within the Coastal Zone for certain energy and industrial uses that require a site on or adjacent to the sea in order to function at all. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible while accommodating those industrial uses determined to be Coastal-Dependent Industry. *(Amended by Ord. 4068, 9/1/92)*

Sec. 35-87.2 Processing.

No permits for any development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits) and in addition, for development related to oil and gas facilities, no permits shall be issued except in conformance with the regulations of DIVISION 9 - OIL AND GAS FACILITIES.

Sec. 35-87.3 *Permitted Uses.*

1. Onshore oil and gas development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals that are determined to require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES. *(Amended by Ord. 3947, 11/19/91)*
2. Onshore facilities that are determined to be necessary for the exploration, development, production, processing and/or transportation of offshore oil and gas resources and that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES. *(Amended by Ord. 3947, 11/19/91)*
3. Onshore components of marine terminals that are determined to be required for waterborne shipments of crude oil or petroleum products and that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES. *(Amended by Ord. 3947, 11/19/91)*
4. Piers and staging areas that require a site on or adjacent to the sea to be able to function at all. Such uses are subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES. *(Amended by Ord. 3947, 11/19/91)*
5. Aquaculture, subject to the regulations of Section 35-136 (General Regulations).
6. Accessory uses, buildings, and structures, which are customarily incidental to the above uses.

Sec. 35-87.3.a *Other Uses that are not Coastal-Dependent Industry.* *(Amended by Ord. 4068, 9/1/92)*

1. All types of agriculture and farming, as permitted in and subject to the regulations of the AG-II District (Section 35-69).

Sec. 35-87.4 *Uses Permitted With a Major Conditional Use Permit.*

Dwellings for employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is to be located.

Sec. 35-87.5 *Lot Size.*

None.

Sec. 35-87.6 *Setbacks for Buildings and Structures.*

1. Front: 50 feet from the centerline 20 feet from the right-of-way line.
2. Side:
 - a. 10 feet.

- b. On corner lots, the side yard along the side street shall conform to the front yard regulations of this district.
- 3. Rear:
 - a. 10 feet.
 - b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.

Sec. 35-87.7 *Height Limit.*

No building or structure shall exceed a height of 45 feet.

Sec. 35-87.8 *Parking.*

As provided in DIVISION 6-PARKING REGULATIONS.

Sec. 35-87.9 *Landscaping/Screening.*

- 1. Except for exploratory oil and gas drill sites, all property lines shall be landscaped with a minimum of a five foot wide planted area. Where any portion of a lot abuts a lot in a residential or commercial district, in addition to the five foot wide planted area, a masonry wall not less than six feet in height shall be provided.
- 2. Except for exploratory oil and gas drill sites, outdoor storage areas shall be screened by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the Planning and Development Department to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature. *(Amended by Ord. 3842, 3/20/90)*

Sec. 35-88. **PU - Public Works Utilities and Private Service Facilities.**

(Amended by Ord. 4084, 12/15/92)

Sec. 35-88.1 *Purpose and Intent.*

The purpose of this district is to provide areas for the siting of large scale public works, utilities and private service facilities appropriate for location in the PU district. The intent is to provide adequate design requirements to ensure that such facilities are compatible with surrounding land uses. No permits for development of public works, utilities and private service facilities outside of the PU district shall be issued except in conformance with Section 35-145 (Division 8. Services, Utilities and Other Related Facilities) or Section 35-93 (Division 4. Transportation Corridor). *(Amended by Ord. 4084, 12/15/92)*

Sec. 35-88.2 *Preliminary Development Plan to be Included in Application for Rezoning.*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon

approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-88.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-88.4 *Permitted Uses.*

1. Central plant facilities for domestic, commercial, industrial or recreational water production including onsite water wells, treatment and storage, including but not limited to, water systems, water treatment plants, including seawater desalination facilities, water package plants or other similar facilities, proposed to serve 200 or more connections. *(Added by Ord. 4084, 12/15/92)*
2. Central plant facilities for sewage treatment, including but not limited to, wastewater treatment plants, wastewater package plants, reclamation facilities or other similar facilities, proposed to serve 200 or more connections. *(Added by Ord. 4084, 12/15/92)*
3. Operating bases and service centers for public utilities.
4. Major electrical transmission substations. *(Added by Ord. 4084, 12/15/92)*
5. On the Pacific Lighting property in Goleta, underground gas storage and related facilities, i.e., compressor stations, gas wells and pipelines, subject to the provisions of Section 35-88.11.
6. All types of agriculture and farming as permitted in and subject to the limitations of the AG-II District.
7. Any other use which the Planning Commission finds similar to the uses listed above.
8. Accessory uses, buildings, and structures which are customarily incidental to the above uses.

Sec. 35-88.5 *Performance Standards.*

1. Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
2. The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
3. The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.

4. No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.
5. Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
6. All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

Sec. 35-88.6 *Minimum Lot Size.*

None.

Sec. 35-88.7 *Setbacks for Buildings and Structures.*

1. Front: 50 feet to the centerline and 20 feet to the right-of-way line of the street.
2. Side:
 - a. 10 feet.
 - b. On corner lots, the side yard along the street shall conform to the front yard provisions of this district.
3. Rear:
 - a. 10 feet.
 - b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.

Sec. 35-88.8 *Height Limit.*

No building or structure shall exceed a height of 45 feet.

Sec. 35-88.9 *Parking.*

As provided in DIVISION 6 - PARKING REGULATIONS.

Sec. 35-88.10 *Landscaping.*

1. All front property lines shall be landscaped with a minimum of a five foot wide planted area.
2. The first five feet of any setback area abutting a lot in a residential or commercial district shall be landscaped and a masonry wall not less than six feet in height shall be provided.

Sec. 35-88.11 *Underground Gas Storage.*

The provisions of this section shall apply to the fixed surface installation of facilities designed, constructed, installed and maintained primarily for the injection, storage and withdrawal of natural gas in and from sub-surface strata including the drilling of new wells and the reconditioning of existing wells, structures, facilities and operations incidental thereto.

1. The provisions of DIVISION 9 - OIL AND GAS FACILITIES shall not apply to underground gas storage or related facilities
2. The landscaping requirements set forth in Section 35-88.10 shall not apply to underground gas storage or related facilities.
3. Derricks and major items of equipment shall be soundproofed in accordance with applicable safety regulations and standards.
4. Fixed equipment shall be fenced and screened and the site landscaped in a manner approved by the Planning Commission.
5. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
6. Reasonable fire fighting equipment shall be maintained on the premises at all times during drilling operations.
7. Except in an emergency, no materials, equipment, tools or pipe shall be delivered to or removed from the site between the hours of 7 p.m. and 7 a.m. of the following day.
8. All roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.
9. Within 120 days after the drilling of each well has been completed, the derrick and all other drilling equipment shall be removed from the site.
10. All lights shall be shielded so as not to directly shine on adjacent properties.

Sec. 35-89. *REC - Recreation District.***Sec. 35-89.1 *Purpose and Intent.***

The purpose of this district is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features. Such development should offer recreational uses which compliment and are appropriate to the area because of these features.

Sec. 35-89.2 *Preliminary Development Plan to be Included in Application for Rezoning*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon

approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-89.3 Findings Required for Rezoning.

Except for existing public or private outdoor recreational areas as shown on the Coastal Land Use Plan maps, no property shall be rezoned to the REC district unless the Board of Supervisors shall first make the following findings:

1. The level of facility development is in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of habitat resources.
2. Coastal dependent and coastal related recreational uses are given priority.
3. The proposal conforms with all applicable policies in the Coastal Land Use Plan and the Santa Barbara County Comprehensive Plan Parks, Recreation and Trails (non-motorized) Maps.
4. The proposed recreational activities are compatible with land uses on adjacent parcels.
5. If the proposed site is adjacent to the beach, adequate public access to and along the beach is provided.
6. The property contains not less than one acre.

Sec. 35-89.4 Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-89.5 Permitted Uses.

1. Outdoor public and/or private recreational uses, e.g., parks, campgrounds, recreational vehicle accommodations, and riding, hiking, biking, and walking trails.
2. Golf courses.
3. Structures and facilities required to support the recreational activities, e.g., parking areas, corrals and stabling areas, water and sanitary facilities, boat launching facilities, ranger stations, and limited concession facilities.
4. Any other use which the Planning Commission determines to be similar in nature to the above uses.

Sec. 35-89.6 Uses Permitted With a Major Conditional Use Permit.

1. Swimming and tennis clubs, and country clubs.

2. Zoos.
3. Within urban areas as designated on the Coastal Land Use Plan Maps, restaurants, provided such facilities are in conjunction with the recreational use.

Sec. 35-89.7 *Uses Permitted With a Minor Conditional Use Permit.* *(Added by Ord. 3965, 2/21/92)*

1. Residential structures for a caretaker.

Sec. 35-89.8 *Development Standards.*

1. In any area within 250 feet of the mean high tide line, priority shall be given to coastal dependent and coastal related recreational activities. Camping facilities should be set back from the beach and bluffs and near-shore areas should be reserved for day use activities.
2. In order to ensure recreational rather than residential use of overnight accommodations, the maximum period for individual occupancy of said facilities shall be 30 days.

Sec. 35-89.9 *Minimum Lot Size.*

One acre.

Sec. 35-89.10 *Setbacks for Buildings and Structures.*

1. 10 feet from any property line.
2. In addition, no buildings, structures, or facilities shall be located on the dry, sandy beach except for those structures that require such location (i.e., lifeguard towers, volleyball nets, etc.).

Sec. 35-89.11 *Coverage.*

Not to exceed 10 percent of the total net area of the property shall be covered by buildings or structures.

Sec. 35-89.12 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-89.13 *Parking.*

As provided in DIVISION 6--PARKING REGULATIONS.

Sec. 35-89.14 *Landscaping.*

1. Landscaping shall be installed and maintained in accordance with the approved Final Development Plan.

2. Where a lot is adjacent to a lot(s) zoned for residential use, landscaping, fences, and/or walls to screen facilities such as tennis courts, concession stands, restrooms, and other structures shall be provided. *(Amended by Ord. 4067, 8/18/92)*

Sec. 35-90. RES - Resource Management.**Sec. 35-90.1 Purpose and Intent.**

The purpose of this district is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

1. Slopes in excess of 40 percent.
2. Isolated table land surrounded by slopes exceeding 40 percent.
3. Areas which have outstanding resource values such as environmentally sensitive habitat areas.

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as grazing, scientific and educational study, and limited residential uses.

Sec. 35-90.2 Processing.

No permit for development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-90.3 Permitted Uses. *(Amended by Ord. 4557, 12/7/04)*

1. One single family dwelling per legal lot.
2. One guest house subject to the provisions of Section 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.
4. Agricultural grazing.
5. Uses, buildings and structures accessory and customarily incidental to the above uses.

Sec. 35-90.4 Uses Permitted With a Major Conditional Use Permit.

1. Low intensity recreational uses such as summer camps, dude ranches, hunting clubs, and facilities for group retreats.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.

3. Resource dependent uses such as mining and quarrying.
4. Onshore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9 - OIL AND GAS FACILITIES.
5. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
6. Cultivated agriculture, e.g., orchards.

Sec. 35-90.5 *Uses Permitted With a Minor Conditional Use Permit.*

1. Artist's studio.

Sec. 35-90.6 *Findings Required for Conditional Use Permit.*

In addition to the findings required for approval of a Conditional Use Permit in Section 35-172, no Conditional Use Permit shall be approved unless the Planning Commission also makes all of the following findings:

1. The project does not require extensive alteration of the topography.
2. The project does not cause erosion or sedimentation of downstream watercourses or water-bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas.

Sec. 35-90.7 *Minimum Lot Area.* (Amended by Ord. 4557, 12/7/04)

1. Each lot shall have a minimum 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 Lot Size
RES-40	40 acres
RES-100	100 acres
RES-320	320 acres

2. A dwelling may be located upon a lot with less area in size than required in Section 35-90.7.1 unless such lot is a fraction lot. (Amended by Ord. 4406, 9/12/00)

Sec. 35-90.8 *Setbacks for Buildings and Structures.*

50 feet from the centerline of any street and 20 feet from the lot lines of the lot on which the building or structure is located.

Sec. 35-90.9 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-90.10 *Parking.*

As provided in DIVISION 6--PARKING REGULATIONS.

Sec. 35-91. *MHP - Mobile Home Park.***Sec. 35-91.1 *Purpose and Intent.***

The purpose of this district is to provide areas for mobile home parks in recognition of the fact that such developments offer alternatives in the selection of residential units and opportunities for affordable housing. The intent is to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscape design for mobile home parks.

Sec. 35-91.2 *Preliminary Development Plan to be Included in Application for Rezoning.*

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-91.3 *Processing.*

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits) and with Chapter 2, Mobile Home Parks Act, of Division 1, Title 25, of the California Code of Regulations. *(Amended by Ord. 4086, 12/15/92)*

Sec. 35-91.4 *Permitted Uses.*

1. Mobile Home Park.
2. Recreational facilities for the use of the residents of the park.
3. Accessory uses, structures, and buildings which are customarily incidental and subordinate to the uses permitted in this district.

Sec. 35-91.5 *Setbacks and Distance Between Mobile Home Units and Structures.* *(Amended by Ord. 4086, 12/15/92)*

1. The following minimum standards shall apply to the perimeters of a mobile home park: No building or structure shall be located closer than 20 feet from the right-of-way line of any street, nor closer than 15 feet from the side or rear property lines of the parcel(s) on which the mobile home park is located. *(Amended by Ord. 4086, 12/15/92)*
2. Where a portion of a parcel(s) zoned MHP abuts a parcel(s) zoned residential, there shall be a 25 foot wide landscaped buffer along the abutting residential parcel(s). *(Amended by Ord. 4086, 12/15/92)*
3. Within Mobile Home Parks, the minimum distance required for the separation of a mobile home from a permanent building shall be 10 feet. The minimum distance required for the separation of a mobile home from any other mobile home shall be 10 feet from side to side, eight feet from side to front or rear, and six feet from rear to rear, or front to front, or front to rear, superseding Section 35-125 (General Setback Regulations). The following setbacks shall apply to mobile home sites. A mobile home shall be located a minimum of three feet from all site lot lines except that:
 - a. A three foot setback is not required from a site bordering a private street.
 - b. In Mobile Home Parks, or portions thereof, constructed prior to September 15, 1961, no mobile home shall be located closer than six feet from any permanent building or another mobile home (25 CCR Section 1330, Location).
 - c. Freestanding awnings, carports, fences and windbreaks, storage cabinets and stairways may be installed within the setback area for a mobile home unit site. All other accessory buildings and structures shall maintain a minimum setback of three feet from any mobile home site lot line, which does not border on a private street. (25 CCR Section 1428 Location).
 - d. When a mobile home has projections including eave overhangs, the projections may intrude into the distance required for separation or setback provided that a minimum of six feet separation is maintained between the edge of the projection and an adjacent mobile home, building, accessory structure or its projection. A minimum of three feet shall be maintained from the mobile home projection and the adjacent lot line or property line. (25 CCR Section 1330, Location).

Sec. 35-91.6 *Mobile Home Site Area Coverage.*

Buildings and structures shall not occupy more than 75 percent of each mobile home site (25 CCR Section 1110, Occupied Area.). *(Amended by Ord. 4086, 12/15/92)*

Sec. 35-91.7 *Height Limit.*

No building or structure shall exceed a height of 25 feet.

Sec. 35-91.8 *Parking.*

As required in DIVISION 6 - PARKING REGULATIONS.

Sec. 35-91.9 *Open Space and Landscaping.*

1. A minimum of one tree shall be planted on each mobile home site.
2. A minimum of 20 percent of the net area of the mobile home park shall be in common open space, which may include recreational facilities generally provided in a central location. Such facilities may include space for community buildings and community use facilities. Improved sidewalks, walkways, or paths shall link all mobile home sites to the recreational facilities.
3. The development shall be enclosed, except for ingress and egress, with a five-foot decorative wall or fence and landscaping.

Sec. 35-92. *M-CR - Coastal Related Industry.* *(Added by Ord. 3947, 11/19/91)***Sec. 35-92.1 *Purpose and Intent.***

The purpose of this district is to provide areas within the Coastal Zone for certain energy and industrial uses that are dependent on coastal-dependent development of uses as prescribed in Section 35-87, but do not require a site on or adjacent to the sea to be able to function at all. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible while accommodating those industrial uses determined to be coastal-related industry. *(Amended by Ord. 4068, 9/1/92)*

Sec. 35-92.2 *Processing.*

No permits for any development including grading shall be issued except in conformance with Section 35-169 (Coastal Development Permits); additionally, no permits for development related to oil and gas facilities shall be issued except in conformance with the regulations of DIVISION 9 - OIL AND GAS FACILITIES.

Sec. 35-92.3 *Permitted Uses.*

1. Onshore oil and gas development including exploratory and production wells, pipelines, storage tanks, processing facilities for onshore oil and gas, and truck terminals, subject to the regulations in DIVISION 9 - OIL AND GAS FACILITIES.
2. Onshore facilities, including exploratory and producing wells, that are necessary for the exploration, development, production, processing and/or transportation of offshore oil and gas resources, subject to the regulation in DIVISION 9 - OIL AND GAS FACILITIES.
(Amended by Ord. 4235, 9/3/96)
3. Onshore components of marine terminals required for waterborne shipments of crude oil or petroleum products, subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
4. Staging areas and supply bases, subject to the regulations of DIVISION 9 - OIL AND GAS FACILITIES.
5. Aquaculture, subject to the regulations of Section 35-136 (General Regulations).

6. Accessory uses, buildings, and structures, which are customarily incidental to the above uses.

Sec. 35-92.3.a Other Uses that are not Coastal Related Industry (Added by Ord. 4068, 9/1/92)

1. All types of agriculture and farming, as permitted in and subject to the regulations of the AG-II District (Section 35-69).

Sec. 35-92.4 Uses Permitted With a Major Conditional Use Permit.

Dwellings for employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is to be located.

Sec. 35-92.5 Lot Size.

None.

Sec. 35-92.6 Setbacks for Buildings and Structures.

1. Front: 50 feet from the centerline and 20 feet from the right-of-way line.
2. Side:
 - a. 10 feet.
 - b. On corner lots, the side yard along the side street shall conform to the front yard regulations of this district.
3. Rear:
 - a. 10 feet.
 - b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.

Sec. 35-92.7 Height Limit.

No building or structure shall exceed a height of 45 feet.

Sec. 35-92.8 Parking.

As provided in DIVISION 6-PARKING REGULATIONS.

Sec. 35-92.9 Landscaping/Screening.

1. Except for exploratory oil and gas drill sites, all property lines shall be landscaped with a minimum of a five foot wide planted area. Where any portion of a lot abuts a lot in a residential or commercial district, in addition to the five foot wide planted area, a masonry wall not less than six feet in height shall be provided.

2. Except for exploratory oil and gas drill sites, outdoor storage areas shall be screened by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the County Landscape Planner to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.

Sec. 35-93. TC - Transportation Corridor. *(Added by Ord. 4162, 7/26/94)*

Sec. 35-93.1 Purpose and Intent.

The purpose of this district is to preserve and protect established and proposed transportation corridors, to regulate land uses within and adjacent to such corridors, and to provide uniform TC development standards. Notwithstanding any provision of this Article, this district applies local authority to transportation corridor-related matters of public health, safety and welfare, land-use, and zoning insofar as the exercise of such authority does not conflict with general law, as from time to time amended. The further intent of this district is to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan.

County review of TC development recognizes that transportation facilities may cause adverse impacts on surrounding residents and properties, including, for example, noise, vibration, emissions, pollutants, run-off, odors, visual appearance, detracting from natural scenic values, electrical interference, and potential for hazards and disasters, and that transportation facilities may also be adversely affected by incompatible uses nearby. This review is not intended to regulate or interfere with road or railway operations, but instead evaluates alternative routes for proposed corridors, and analyzes TC development to avoid or feasibly mitigate potentially significant, adverse environmental impacts.

Major transportation corridors parallel the coastline, often in close proximity to the shoreline. As such, the corridors can attract, or even constitute the only feasible location for competing land uses such as pipelines, utility cables, bikeways and other non-motorized modes of transportation. Transportation corridors may also act as a potential barrier to recreational access to and along the coast, as well as to other land uses afforded high priority under the Coastal Act. It is the intent of this Transportation Corridor Zone District to accommodate these priority uses within the transportation corridor wherever feasible.

Sec. 35-93.2 Processing and Applicability.

1. No permits for new development, including grading or excavation, shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans) and with Section 35-169 (Coastal Development Permits).
2. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of this ordinance shall not be deemed legal non-conforming uses. The purpose of this provision is to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development and to allow for repair of such existing facilities.

3. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of this District.

Sec. 35-93.3 Permitted Uses.

1. Railroad main, branch, and spur lines, as defined in Division 2 of this Article.
2. Railroad sidings and turn-outs, used for the purpose of allowing safe passage of trains, switching of rail cars, or parking of trains.
3. Accessory equipment and structures that are attendant to railway and roadway uses, such as bridges, underpasses, overpasses, tunnels and signalization.
4. Freeways, highways, streets, and roads, including shoulders, turnouts, and interchanges.
5. Rail and bus stops, including accessory facilities and structures for the purposes of loading and unloading passengers.
6. Permanent inspection stations operated by governmental agencies.
7. Roadside rest areas operated by governmental agencies.
8. Permanent storage yards and structures for road or rail maintenance.
9. Parking, including park and ride facilities.
10. Permanent loading and shipping facilities.
11. Railroad stations and terminals.
12. Railroad switching and maintenance yards.
13. Any other uses which the Planning Commission determines to be required for the purpose of operating a railroad or highway.
14. Bikeways and recreational trails, and minor development that is ancillary to bikeways and trails such as picnic tables, garbage cans, and drinking fountains located along the route.

Sec. 35-93.4 Uses Permitted with a Major Conditional Use Permit.

1. Greenhouses, hothouses, and other plant protection structures and related development, such as packing sheds, parking areas, driveways, etc., subject to the limitations provided in Section 35-68 (Agriculture I).
2. Recreational development, provided that such development does not include commercial facilities open to the general public who are not using the recreational facility, and does not require an expansion of urban services which will increase pressure for conversion of nearby agricultural lands.

3. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
4. Recycling facilities.
5. Salvage facilities.
6. Lumber yards.
7. Those principal permitted uses in abutting zone districts.

Sec. 35-93.5 *Uses Permitted with a Minor Conditional Use Permit.*

1. Open-field agricultural or horticultural crop cultivation, together with permanent storage facilities for agricultural machinery and equipment used for such production.
2. Temporary loading and shipping facilities subject to a short-term lease of 45 days or less (or a longer period of time, if approved by the Zoning Administrator).

Sec. 35-93.6 *Performance Standards.*

1. Permanent open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots and from public viewing places.
2. All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the vicinity by reason of danger to life or property.
3. The County shall ensure the identification of feasible methods to provide alternative transportation for the efficient use of the U.S. Highway 101 transportation corridor to accommodate further local, regional, and statewide transportation needs. Prior to the approval of a Coastal Development Permit/Development Plan for major metropolitan transportation investment projects pursuant to Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993, including the addition, relocation, or widening of any lanes, or construction of highway interchanges along U.S. Highway 101, the County Planning Commission, or Board of Supervisors on appeal, shall find that such approval complies with either (a) or (b) below:
 - (a) The project is consistent with those portions of the Santa Barbara Association of Governments' Regional Transportation Plan that are applicable to the County's portion of the Coastal Zone and which (i) includes an alternative transportation mode study as described below, and (ii) has been incorporated by amendment into the County's certified Local Coastal Program.
 - (b) The project sponsor/applicant has completed an alternative transportation mode study to determine the type and extent of improvements needed to accommodate projected transportation levels. Such a study shall also evaluate the effectiveness and cost of alternative investments or strategies in attaining local, state and national goals and objectives. The study shall consider the costs of reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing, and

energy consumption, consistent with federal regulations (Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993). The study shall specifically investigate the feasibility of alternative transportation modes such as, but not limited to, lanes dedicated to public commuter vehicles or multiple rider vehicles; mass transportation systems such as rail service; or other means of increasing the efficient use of the transportation corridor. The study shall also investigate the feasibility of accommodating non-motorized traffic through the development of recreational trails or commuter bikeways as an integral part of the transportation corridor.

For purposes of satisfying the application filing requirements relative to this standard for a Coastal Development Permit/Development Plan, the scope of the alternative transportation modes study shall be developed jointly by the Santa Barbara County Planning and Development Department and the Santa Barbara County Association of Governments and shall be both proportionate and related to the scope of the proposed development. Further, the alternative transportation modes studies shall be coordinated with the cities within the Santa Barbara County Coastal Zone, and with the adjoining Counties of San Luis Obispo and Ventura. The informational requirements under this standard will be deemed to be met upon a determination by the Director of Planning and Development Department that the scope of work has been fulfilled through the completion of the alternative transportation modes study.

As an alternative to the above study, the Director of the Santa Barbara County Planning and Development Department may determine that the environmental review for a project on U.S. Highway 101, or any combination of existing studies, adequately satisfies this application filing requirement. In this instance, no further study shall be required, providing that the information upon which such environmental review or other studies is based is current. This determination shall be based on finding that the study/document(s) contain an adequate analysis of the plans, methods, and potential actions to implement feasible alternative transportation modes as described above.

The cost of complying with either (a) or (b) above shall be the responsibility of the project sponsor/applicant. The application for a Coastal Development Permit/Development Plan shall be deemed complete after this requirement is satisfied.

Sec. 35-93.7 Minimum Setbacks for Buildings and Structures.

Ten-foot setback shall be required from the property line, where property abuts another zone district, except for fences, walls and utility poles (subject to the height restrictions contained elsewhere in this Article), ingress and egress.

Sec. 35-93.8 Maximum Height Restrictions.

No building or structure shall exceed a height of 25 feet, except for bridges and associated equipment, and any structural clearance necessary to meet safety or other standards required by applicable state or federal laws.

Sec. 35-93.9 Parking.

As provided in DIVISION 6 - PARKING REGULATIONS.

Sec. 35-93.10 *Landscaping/Screening.*

1. Landscaping shall be installed and maintained in accordance with the approved Final Development Plan, subject to the restriction that landscaping requirements shall not conflict with the safety and visibility requirements of Transportation Corridor uses. Uses permitted with a Major Conditional Use Permit shall also require an approved Landscape Plan equivalent to that required for a Final Development Plan. Applicant shall demonstrate that adequate provisions have been made for the permanent care and maintenance of plantations installed under these provisions.
2. Drought-tolerant native species shall be utilized in Transportation Corridor landscape plans to the maximum extent feasible.
3. To the maximum extent feasible, all development, including expansions of U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities which exist along the affected transportation corridor, or to replace such landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.

Sec. 35-93A. **MT-TORO - Mountainous Area- Toro Canyon Planning Area.**

(Added by Ord. 4572, 4/27/04)

Sec. 35-93A.1 *Purpose and Intent.*

The purpose of this district is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

1. Slopes in excess of 40 percent.
2. Valleys surrounded by slopes exceeding 40 percent.
3. Isolated table land surrounded by slopes exceeding 40 percent.
4. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as watershed protection, scientific and educational study, and limited residential uses.

Sec. 35-93A.2 *Processing.*

No permits for development, including grading, shall be issued except in conformance with Section 35-169 (Coastal Development Permits).

Sec. 35-93A.3 *Permitted Uses.*

1. One single-family dwelling per legal lot.

2. One guest house subject to the provisions of Section 35-120 (General Regulations).
3. The non-commercial keeping of animals and poultry.
4. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
5. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
6. Accessory uses, buildings and structures that are customarily incidental to the above uses.

Sec. 35-93A.4 Uses Permitted with a Major Conditional Use Permit.

1. Low intensity recreational uses such as summer camps, public riding stables, and hunting clubs.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.
3. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities, etc.
4. Resource dependent uses such as mining and quarrying.
5. Onshore oil development, including exploratory and production wells, pipelines, separation facilities, and their accessory uses, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
6. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-93A.5 Uses Permitted with a Minor Conditional Use Permit.

1. Artist's studio.
2. New cultivated agriculture, vineyard or orchard use, when there is not evidence showing that it is a permitted or legal non-conforming use within the previous ten-year period.
3. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-93A.6 Findings Required for Conditional Use Permit.

In addition to the findings required for approval of a Conditional Use Permit in Section 35-172, no Conditional Use Permit shall be approved unless all of the following findings are made by the appropriate decision-maker:

1. The project does not require extensive alteration of the topography.

2. The project does not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

Sec. 35-93A.7 Minimum Application Submittal Requirements for Conditional Use Permit.

In addition to the contents of the application required for Conditional Use Permits under Section 35-172.6 no application shall be accepted for processing unless accompanied by the following submittals:

1. A topographic map showing existing slopes, water courses, and types of vegetation on the property.
2. The location and specifications of all existing and proposed roads, terraces, and structures.
3. Application for new or expanded cultivation, orchard, or vineyard use shall include a Conservation/Grading Plan that:
 - a. is reviewed and approved by the Resource Conservation District and meets all essential specifications as determined by the Soil Conservation Service.
 - b. shows areas of 40 percent or greater slopes.
 - c. contains a crop production and cultivation plan for all agricultural operations to be conducted on the site, a description of mechanized equipment to be used; and for orchards and vineyards, a post-approval monitoring program.

Sec. 35-93A.8 Minimum Lot Size.

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.

Zoning Symbol	Minimum Lot Size
MT-TORO-40	40 acres
MT-TORO-100	100 acres
MT-TORO-320	320 acres

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.

Sec. 35-93A.9 Setbacks for Buildings and Structures.

50 feet from the centerline of any street and 20 feet from the lot lines of the lot of which the building or structure is located.

Sec. 35-93A.10 Height Limit.

No building or structure shall exceed a height of 25 feet.

Sec. 35-93A.11 Minimum Distance Required Between Buildings on the Same Building Site.

Five feet.

Sec. 35-93A.12 Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

DIVISION 5 OVERLAY DISTRICTS

Sec. 35-94. SD - Site Design Overlay District.

Sec. 35-94.1 Purpose and Intent.

The purpose of this overlay district is to ensure well-planned divisions of large lots which are zoned for large lot single-family residential uses (i.e., 1-E-1, 3-E-1, EX-1, and RR) and to avoid piecemeal subdivision of such lots which could result in resource degradation and the creation of lots which are unsuited for development. Therefore, it is the intent of this overlay district to provide conceptual review and consideration by the County of the ultimate division of a lot at the time any land division is proposed.

Sec. 35-94.2 Affect of SD Overlay District.

For land zoned SD, the regulations of the SD apply only to applications for land divisions and no division of such land shall be approved unless consistent with the regulations of the SD. Within the SD, minimum lot size, minimum lot width, uses permitted, and all other regulations of the base zone district are also applicable to the land.

Sec. 35-94.3 Processing.

1. For land subject to the Site Design Overlay District, an application for any land division shall be accompanied by a site design plan showing the ultimate parcelization of the subject land unless the proposed land division is for the ultimate parcelization or such a site design plan has been previously approved for the land.
2. In addition to the application requirements for the proposed land division required under County Subdivision regulations in Chapter 21 of this Code, subdividers shall submit a site design plan showing:
 - a. The proposed lot lines of the ultimate lots.
 - b. Contour lines.
 - c. Proposed circulation patterns for the ultimate lots.
 - d. Locations of significant existing vegetation and sensitive habitat areas, e.g., unusual species, native habitats, and riparian vegetation.
 - e. Areas within the 100-year flood plain.
 - f. Areas subject to geologic hazards.
 - g. A general indication of the potential building sites.
 - h. Other information may be deemed necessary for proper review and required depending on the particular circumstances and location of the lots.

Sec. 35-94.4 *Action.*

1. Planning and Development Department shall submit the proposed site design plan and land division to the Subdivision Committee and said Subdivision Committee shall consider the proposed land division along with the site design plan and make recommendations to the Planning Commission.
2. At a noticed public hearing, the Planning Commission shall consider and conceptually approve, modify, or disapprove the proposed site design plan. At the same public hearing, the Planning Commission may approve, conditionally approve, or deny the proposed land division, but the proposed land division shall not be approved unless the Planning Commission gives conceptual approval to the site design plan and finds that the proposed land division is consistent with the site design plan. In no case shall conceptual approval of the site design plan by the Planning Commission be deemed to commit the County to final approval of any land division.
3. A copy of the approved site design plan shall be kept on file in the Planning and Development Department. When a site design plan has been conceptually approved for a lot, all future land divisions shall be in conformance with the approved site design plan for that lot.
4. Any amendments to the site design plan shall be processed in the same manner as the original site design plan. The Planning Commission shall not approve any site design plan amendments unless such amended site design plan is in conformance with any previously approved land divisions which were found to be in conformance with the previously approved site design plan. When a site design plan has been approved for a lot and the lot is subsequently rezoned, the site design plan shall become null and void.

Sec. 35-94.5 *Findings Required for Conceptual Approval of Site Design Plan.*

Prior to conceptual approval of a site design plan for any lot within this District, the Planning Commission shall make the following findings:

1. That the lot is physically suitable for the density proposed under the site design plan.
2. That all proposed lots shown on the site design plan have adequate building sites and road access.
3. That the design of and creation of the lots according to the site design plan is consistent with the protection of environmentally sensitive habitat areas and agricultural lands, avoidance of flood, fire, and geologic hazards, and protection of hillsides and watersheds.

Sec. 35-95. *FA - Flood Hazard Area Overlay District.***Sec. 35-95.1 *Purpose and Intent.***

The purpose of this overlay district is to promote the public health, safety, and welfare, and to minimize public and private losses due to flood conditions in areas within the 100-year flood plain (the flood having a one percent chance of being equaled or exceeded in any given year). The intent of this district is to avoid exposing new development to flood hazard and to reduce the

need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.

Sec. 35-95.2 Affect of the FA Overlay District.

Within the FA Overlay District, all uses of land shall comply with the regulations of the base zone district and any "development" as defined in Chapter 15A, Flood Plain Management of the County Code shall comply with the additional regulations set forth in said chapter.

Sec. 35-95.3 Processing.

All development subject to the provisions of this overlay district shall be referred to the County Building Official for issuance of a "Development Permit" under the provisions of Chapter 15A, Flood Plain Management of the County Code prior to the issuance of any Coastal Development Permits by the Planning and Development Department. If the Building Official, after referral to and recommendation from the Flood Control and Water Conservation District, determines that the proposed development is not within the 100-year flood plain (or area of special flood hazard as defined in Chapter 15A), no "Development Permit" as defined under Chapter 15A shall be required.

After obtaining the "Development Permit" or receiving exemption from the said Flood Control District, the proposed development shall be subject to the Coastal Development Permit procedures as required in the applicable base zone district.

Sec. 35-96. VC - View Corridor Overlay District.

Sec. 35-96.1 Purpose and Intent.

The purpose of this overlay district is to protect significant coastal view corridors from U. S. 101 to the ocean in areas of the County where such view corridors currently exist.

Sec. 35-96.2 Affect of VC Overlay District.

Within the VC Overlay District, all uses of land shall comply with the regulations of the base zone district and any structural development shall comply with the additional standards set forth in this section.

Sec. 35-96.3 Processing.

1. Any structural development in areas within the View Corridor Overlay district shall be subject to approval by the Board of Architectural Review prior to issuance of a Coastal Development Permit.
2. The application to the Board of Architectural Review shall include a plot plan showing any landscaping, finished building elevations, data showing the proposed color scheme, materials of construction, and a drawing to scale showing any signs to be erected, attached to or painted on such structure.
3. The Board of Architectural Review shall approve the plans if it finds conformance with the following standards:

- a. Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.
 - b. Building height shall not exceed 15 feet above average finished grades, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the base zone district shall apply.
 - c. Structures shall not be of an unsightly or undesirable appearance.
4. If, after review, the Board of Architectural Review determines that the proposed structure(s) obstructs views to the ocean, are of a height or scale so as to be inharmonious with the surrounding area, or are of an undesirable or unsightly appearance, the Board of Architectural Review shall confer with the applicant in an attempt to bring the plans into conformance with the standards listed above. If the plans are not brought into conformance with said standards, the Board of Architectural Review shall disapprove the plans and no Coastal Development Permit shall be issued.
5. The action of the Board of Architectural Review is final subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-97. ESH - Environmentally Sensitive Habitat Area Overlay District.

Sec. 35-97.1 *Purpose and Intent.*

Within the County of Santa Barbara there are areas which contain unique natural resources and/or endangered species of animal or plant life and existing and potential development may have the impact of despoiling or eliminating these resources. The purpose of this overlay district is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

Sec. 35-97.2 *Applicability and District Boundaries as a Guide.*

The provisions of this overlay district shall apply to land or water zoned ESH on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the Coastal Planner not to be located on the particular lot or lots, the regulations of this overlay district shall not apply.

Sec. 35-97.3 *Identification of Newly Documented Sensitive Habitat Areas.*

If a newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Sections 35-97.7 - 35-97.19 shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas (including the 250 foot area around the habitat).

Sec. 35-97.4 Affect of ESH Overlay District.

Within the ESH Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the ESH Overlay District before the issuance of a Coastal Development Permit under Section 35-169. See Section 35-53 concerning conflict between provisions of ESH and base zone district.

Sec. 35-97.5 Processing.

In addition to the application requirements of the base zone district, applications for a Coastal Development Permit for any development in the ESH Overlay District shall include:

1. A description of the flora and fauna which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant and animal species or their habitats may be found on the site.
2. A delineation of all streams, rivers, water bodies, and wetlands located on the site.
3. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used.
4. Any other information pertinent to the particular development which might be necessary for the review of the project requested by the Planning and Development Department.

Upon receipt of an application for development within the ESH Overlay District, the Coastal Planner shall determine the potential of the proposed development to adversely impact an environmentally sensitive habitat area. If the proposed development is exempt from CEQA and is determined by the Coastal Planner to have no potential for adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Coastal Planner shall issue the permit.

If the proposed development is exempt from CEQA and the Coastal Planner determines that the proposed development has potential for adverse impacts on an environmentally sensitive habitat area, the project shall be processed through environmental review and where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required. If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a Coastal Development Permit, the Coastal Planner shall issue the Coastal Development Permit with appropriate conditions if necessary. If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the Coastal Planner shall refer the project to the Planning Commission for decision after a noticed public hearing.

Sec. 35-97.6 Finding Required for Approval of Coastal Development Permits.

Prior to issuance of a Coastal Development Permit for any development within the ESH Overlay District, a finding shall be made that the proposed development meets all applicable development standards in Sections 35-97.8 through 35-97.19.

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

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

Sec. 35-97.8 Development Standards for Dune Habitats.

1. Because of their statewide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses. Sand mining and oil well drilling may be permitted if it can be shown that no alternative location is feasible and such development is sited and designed to minimize impacts on dune vegetation and animal species. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of development approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.
2. All non-authorized motor vehicles shall be banned from beach and dune areas.
3. All permitted industrial and recreational uses shall be regulated both during construction and operation to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, and restrictions on hours of operations of public or private facilities.
4. For all permitted uses, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary, well-defined footpaths shall be developed and used.

Sec. 35-97.9 Development Standards for Wetland Habitats.

1. All diking, dredging, and filling activities shall conform to the provisions of PRC Section 30233 and 30607.1 of the Coastal Act. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:
 - a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
 - b. Dredging shall be limited to the smallest area feasible.
 - c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary

dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map dated February 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.

2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.
3. Except in Ocean Beach County Park, boating shall be prohibited in all wetland areas except for research or maintenance purposes.
4. Except for lots which abut the El Estero (Carpinteria Slough), 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 Paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as:
 - a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or
 - b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.
5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.
6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.
7. Wetland sandbars may be dredged, when permitted pursuant to paragraph 1 of this Section and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.
8. No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.

9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.
10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.
11. No grazing or other agricultural uses shall be permitted in coastal wetlands except at the mouth of the Santa Maria River.

Sec. 35-97.10 Development Standards for Native Grassland Habitats.

1. Grazing shall be managed to protect native grassland habitats.
2. Development shall be sited and designed to protect native grassland areas.

Sec. 35-97.11 Development Standards for Vernal Pool Habitats.

1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.
2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.
3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

Sec. 35-97.12 Development Standards for Butterfly Tree Habitats.

1. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.
2. Adjacent development shall be set back a minimum of 50 feet from the trees.

Sec. 35-97.13 Development Standards for Marine Mammal Rookery and Hauling Ground Habitats.

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued viability of these habitats.
2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when such areas are in use for reproductive activities, i.e., mating, pupping, and pup care.

NOTE: At present, the only marine mammal rookeries in Santa Barbara County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the

possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Islands.

Times of year when marine mammals use rookery areas:

Harbor seals:	February through April.
Northern Elephant seals:	Mid-December through February.
Sea Lions and fur seals:	May through September.

Sec. 35-97.14 Development Standards for White-Tailed Kite Habitats.

1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.
2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.
3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.
4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.

Sec. 35-97.15 Development Standards for Rocky Points and Intertidal Habitats.

1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.
2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.
3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.

Sec. 35-97.16 Development Standards for Subtidal Reef Habitats.

1. Naples reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources. If evidence of depletion is found, the County shall work with the California Department of Fish and Game and sport and commercial fishing groups to assess the extent of damage and implement mitigating measures.

Sec. 35-97.17 Development Standards for Seabirds Nesting and Roosting Site Habitats.

Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.

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

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

1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.
2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Sec. 35-97.19 Development Standards for Stream Habitats.

1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:
 - a. Soil type and stability of stream corridors.
 - b. How surface water filters into the ground.
 - c. Slope of land on either side of the stream.
 - d. Location of the 100-year flood plain boundary.

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.

2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.
4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.
5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.
6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of Public Resources Code Section 30236 of the Coastal Act.

Sec. 35-98. D - Design Control Overlay District. *(Amended by Ord. 4585, 11/22/05)*

Sec. 35-98.1 Purpose and Intent.

The purpose of this district is to designate areas where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures are subject to design review in compliance with Section 35-184 (Board of Architectural Review). The intent is to ensure well designed developments and to protect scenic qualities, property values, and neighborhood character.

Sec. 35-98.2 Applicability.

Each land use and proposed development within the D Overlay District shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the most restrictive shall control.

Sec. 35-98.3 Permit and Processing Requirements.

All new structures and alterations to existing structures shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review).

Sec. 35-98.4 Setbacks, Height Limit, and other District Requirements.

All new structures and alterations to existing structures shall comply with the regulations of the base zone, except that when the base zone allows modifications of such regulations by the decision-maker, the Board of Architectural Review may recommend in compliance with Section 35-184 (Board of Architectural Review) the modification of setbacks, height limits, and other requirements to protect visual resources. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-99. ARC - Agriculture-Residential Cluster Overlay District.**Sec. 35-99.1 Purpose and Intent.**

The purpose of this overlay district is to preserve large non-prime agricultural operations and to avoid subdivision of large ranches down to the specified minimum lot sizes. The intent is to permit residential development at a density greater than that allowed under the existing zoning district while ensuring that such development will be compatible with the long-term preservation of the agricultural operation.

Sec. 35-99.2 Affect of ARC Overlay District.

Land zoned ARC must be in large, non-prime agricultural operations of 10,000 acres or more (as described in the Coastal Land Use Plan) in the Gaviota Coast and North Coast planning areas for which the County has not approved land divisions. Within the ARC Overlay District, the permitted and conditionally permitted uses of land and the regulations of the base zone district shall apply as well as the additional permitted uses and regulations of the ARC.

Sec. 35-99.3 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this overlay district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan shall be incorporated into the rezoning ordinance.

Sec. 35-99.4 Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-99.5 Additional Permitted Uses.

1. Residential development at a density greater than that allowed under the base zoning district may be permitted but shall be clustered on no more than two percent of the gross acreage of the property. The maximum density permitted shall be calculated at the rate of one dwelling unit per each two acres included in the two percent area. Residential development up to a maximum of one dwelling unit per each acre included in the two percent area may be permitted provided that the County finds that there is no potential for significant adverse environmental impact with respect to the findings set forth in Section 35-99.6, below. The two percent area is the maximum area that will be permitted to be taken out of agricultural production and committed to residential and related accessory uses. Included in the two percent area calculation are: residential units, new roads (excluding existing paved roads), parking areas, structural coverage for non-agricultural buildings, private open space such as yards or gardens, etc.
2. A minimum of one percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. Said one percent area shall not be required to be a contiguous area.

Sec. 35-99.6 Findings Required for Approval of Development Plans.

In addition to the findings for development plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Agriculture-Residential Cluster Overlay District, unless the County also makes the following findings:

1. The proposed development will be compatible with the long-term preservation of the agricultural operation.
2. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses, and the existing agricultural operation.
3. The proposed development has been sited and designed so as to: (a) avoid and buffer all prime agricultural areas of the site; (b) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (c) avoid placement of roads or structures on any environmentally sensitive habitat areas; (d) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (e) minimize risks to life and property due to geologic, flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from the findings under this paragraph 3.)
4. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
5. The conditions, covenants, and restrictions governing the Homeowner's Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

Sec. 35-99.7 Mandatory Conditions.

If the County makes the findings listed in Section 35-99.6, above, development may be permitted subject to the following mandatory conditions:

1. The residential units shall be clustered to the maximum extent feasible within no more than two percent of the gross acreage of the property so as not to interfere with agricultural production or be inconsistent with the goal of maintaining the rural character of the area.
2. A minimum of one percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. The County may require the applicant to construct trails, parking lots, or related public recreational facilities as a condition of development. The locations of such public recreational facilities shall be compatible with the goal of protecting habitat resources and the viability of the existing agricultural operation. Within the one percent area, land shall be reserved for commercial visitor-serving uses at the rate of five acres per 10,000 gross acres of the property for a ten-year period commencing upon the application of this overlay district to the property. Examples of appropriate uses include: rustic lodge or cabins, hostel, campgrounds, etc. Land and access rights for such development may be provided

- by long-term leases from the Homeowner's Association. At the end of a ten-year period, the land reserved but not developed for the commercial visitor-serving uses may be converted to public recreation and open space if the County makes the finding that commercial uses are not economically feasible.
3. The ownership of the remaining 97 percent of the gross acreage of the property shall be held in common ownership in perpetuity by the members of the Homeowner's Association. The creation of the residential lots shall fully comply with the provisions of the California Subdivision Map Act. Upon creation or sale of residential lots, a capital fund shall be created that will be sufficient to make capital improvements and purchase equipment and materials necessary to ensure continuance of the agricultural operation.
 4. Development rights for non-agricultural uses for that portion of the property that will remain in agriculture and development rights for non-commercial visitor-serving uses for that portion of the property to be reserved for commercial visitor-serving uses, i.e., 98 percent of the gross acreage minus the portion to be dedicated for public access and recreation, shall be granted to the County and a third party such as the California Coastal Conservancy free and clear of any financial liens. The portion to remain in agriculture and/or open space shall not be further subdivided.
 5. Water and all necessary services shall be allocated to each land use in the following priorities: (a) existing agricultural operations; (b) recreational and visitor-serving uses; and (c) residential development. Water to be reserved for commercial visitor-serving uses shall be in an amount equivalent to that needed for a 100-room hotel or a transient population of 250 persons for each five acres of land reserved for such uses and shall be reserved for the same ten-year period of reservation set aside for such uses. Residential density shall be decreased if necessary to reserve an adequate water supply for agriculture, recreation, and commercial visitor-serving land uses. The EIR on each project shall include an assessment of the potential alternative of intensification of the agricultural operations (e.g., potential for production of higher economic return crops or expansion of existing operations). If this assessment shows that the ranch has good potential for intensification of agriculture without impacting habitat resources, the County shall require the applicant to reserve sufficient water for expanded or intensified agricultural operations.
 6. Initial public capital costs created by the development shall be borne by the applicant. Property tax and other revenues accruing to local government from the development shall be equal to or exceed all costs of providing services such as roads, water, sewers, and fire and police protection.
 7. A Homeowner's Association shall be formed and membership shall be mandatory for each lot buyer and successive buyers. The homeowner's Association shall be responsible for the permanent maintenance of the agricultural and open space areas held in common ownership by the homeowners. An assessment system, or other form of subsidy, shall be required to ensure compliance with this condition.
 8. If a non-agricultural development or portion thereof is determined by the County to be subject to hazards from missile fall-out from Vandenberg Air Force Base, the County shall require the owner and all subsequent owners to execute documents holding the County and State harmless against any liability arising from such an occurrence as a condition of project approval.

Sec. 35-100. F - Airport Approach Overlay District. *(Amended by Ord. 3561, 3/17/86)***Sec. 35-100.1 Purpose and Intent.**

The purpose of this overlay district is to regulate land uses within Airport Clear and Approach Zones consistent with the adopted Airport Land Use Plan for Santa Barbara County, and to limit the height of structures and appurtenances (including vegetation) within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the County's airports.

Sec. 35-100.2 Applicability of the F Overlay District Regulations.

The provisions of this F Overlay District apply within the Airport Clear and Approach Zones, as such zones are described in Section 35-100.3 of these regulations. In addition, the provisions of Section 35-100.5.2 apply within the Airport Land Use Commission Planning Boundaries, as such Boundaries are depicted on the maps of the Santa Barbara County Airport Land Use Plan.

Within the areas subject to this overlay district, all uses of land shall comply with the requirements of the applicable base zoning district, provided, however, that all development shall comply with any additional requirements set forth in this overlay district. In cases where the regulations of this overlay district conflict with the regulations of the base zoning district, the more restrictive regulations shall take precedence.

On properties subject to the F Overlay District, any application for a development permit which is determined by the County to be consistent with the provisions of this overlay district shall not be subject to review by the Santa Barbara County Airport Land Use Commission (ALUC). However, all applications determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be referred to the ALUC for a determination as to whether the application is consistent with the provisions of the Airport Land Use Plan (ALUP) itself. No permits for projects determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be approved or recommended for approval until the ALUC has reviewed the application and made its determination of the project's consistency with the ALUP; however, the failure of the ALUC to render such determination within 60 days of the referral shall be construed as a finding that the proposed development is consistent with the ALUP.

In the case of discretionary permits approved by the Planning Commission and/or Board of Supervisors, as well as both discretionary and ministerial permits heard by either body on appeal, the project may be approved by a majority vote of the total membership of the Commission and/or Board accompanied by findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.

In all instances where action is proposed to adopt or amend any portion of the Comprehensive Plan and/or any specific plan, zoning ordinance, or building regulation, where such action may apply to any property located within a Clear and/or Approach Zone, the proposed action shall be referred to the ALUC for determination as to the consistency of the proposed action with the adopted ALUP. Any finding by the ALUC that the proposed action is not consistent with the ALUP, including recommended project modifications and/or conditions deemed necessary by

the ALUC to ensure consistency of a project with the ALUP, may be overridden only by a two-thirds vote of the total membership of the Board of Supervisors accompanied by findings, based upon substantial evidence in the public record, that the proposed action is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.

Sec. 35-100.3 Description of the Airport Clear and Approach Zones.

Airport Clear Zones and Airport Approach Zones are subject to particular hazards which necessitate special land use restrictions to promote the public safety and preserve navigable airspace. The following subsections describe the Clear and Approach Zones, and define the boundaries of these Zones for the various runways of Santa Barbara County's airports.

1. **Airport Clear Zones, F(CLR).** Airport Clear Zones are located immediately adjacent to the ends of airport runways. The Clear Zone dimensions applicable to each runway of the County's airports are described in Section 35-100.3.3. The Clear Zones are depicted on the County's Comprehensive Plan Land Use Element and zoning maps, and are designated on the zoning maps by the symbol F(CLR). Airport Clear Zones experience greater noise and safety hazards than Airport Approach Zones, and therefore are subject to more restrictive land use limitations. Land use regulations within the Clear Zones are detailed in Section 35-100.4; height restrictions are described in Section 35-100.5, and additional land use guidelines are contained in Section 35-100.6.
2. **Airport Approach Zones, F(APR).** Airport Approach Zones are extensions of the Airport Clear Zones. The Approach Zone dimensions applicable to each runway of the County's airports are described in Section 35-100.3.3. The Approach Zones are depicted on the County's Comprehensive Plan Land Use Element and zoning maps, and are designated on the zoning maps by the symbol F(APR). Airport Approach Zones are subject to lesser noise and safety hazards than are Airport Clear Zones, and thus are subject to less restrictive land use limitations. Land use regulations within the Approach Zones are detailed in Section 35-100.4; height restrictions are described in Section 35-100.5, and additional land use guidelines are contained in Section 35-100.6.
3. **Physical Dimensions of the Airport Clear and Approach Zones.** For the purpose of these overlay district regulations, the Airport Clear and Approach Zones for any given runway form a continuous horizontal plane surface adjacent to the end of the runway. (It must be noted that the ends of runways lie two hundred feet within the ends of a "primary surface" as defined in Part 77.25(c) of the Federal Aviation Regulations (FAR).) This surface has the geometric form of an Isosceles trapezoid, extending outward from the runway end and bisected by an extension of the runway centerline. The general form and specific dimensions of these Zones for all runways of the County's airports are depicted in the following diagram and table.

OVERLAY DISTRICTS - F

AIRPORT	RUNWAY	W1	W2	D1	D2
Santa Barbara	7	940	4,000	2,700	10,200
	25	940	4,000	1,900	10,200
	15-33	460	1,500	1,200	5,200
Santa Maria	12	940	4,000	2,700	10,200
	30	940	4,000	1,900	10,200
	2-20	460	1,500	1,200	5,200
Lompoc	7-25	460	1,500	1,200	5,200
Santa Ynez	8-26	460	1,500	1,200	5,200

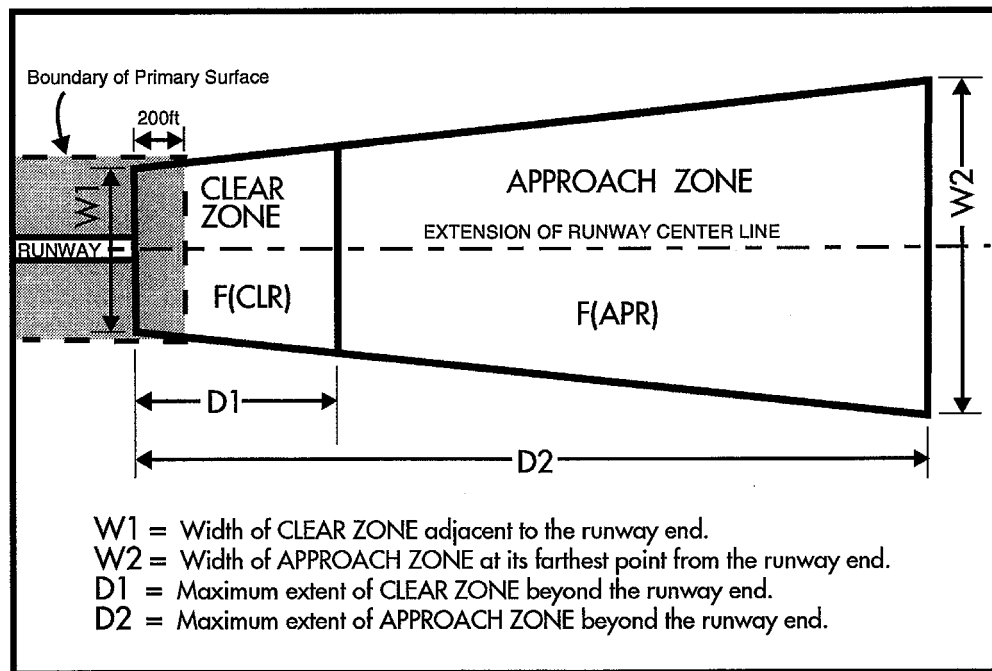


FIGURE 5-1
AIRPORT CLEAR & APPROACH ZONES DIAGRAM

It must be noted that the dimensions W1, D1, and D2 in the above table have been adjusted to account for the fact that they are measured from the end of the runway rather than from the end of the primary surface defined in FAR Part 77.25(c). These adjustments have been made so that the CLEAR and APPROACH ZONE dimensions may be measured from commonly mapped and determinate physical features while being coterminous with the CLEAR and APPROACH ZONES defined in the Airport Land Use Plan.

Sec. 35-100.4 Land Use Regulations within Airport Clear and Approach Zones.

1. General Land Use Restrictions. Within both the Airport Clear and Airport Approach Zones, the following uses are not permitted:
 - a. Any use which would direct steady or flashing lights at aircraft during initial climb or final approach, other than an FAA approved navigational signal or visual approach slope indicator (VASI);
 - b. Any use which would cause sunlight to be reflected toward an aircraft on initial climb or final approach;
 - c. Any use which would generate smoke or attract large concentrations of birds, or which may otherwise affect safe aviation within the area;
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft, communications, or airport instrumentation. In addition, height restrictions apply within both the Clear and Approach Zones, and certain uses may require an assessment for possible airspace obstruction. Height restrictions and airspace obstruction assessment requirements are contained in Section 35-100.5; these restrictions and requirements complement, but do not supersede, the requirements of Federal Aviation Regulations Part 77.

Additional land use regulations specific to either the Airport Clear Zones or Airport Approach Zones are described in the following subsections.

2. Airport Clear Zones.
 - a. The following uses are not permitted within the Airport Clear Zones:
 - 1) Residential development of any type;
 - 2) Hazardous uses such as above-ground oil, gas, or chemical storage, except as permitted under Section 35-100.6.2;
 - 3) Any use which may result in a long or short term concentration of people greater than the ALUC's review threshold of 25 persons per gross acre, unless such use is found consistent with the Airport Land Use Plan by the Santa Barbara County ALUC or is approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.

- b. The following are examples of uses permitted within the Airport Clear Zones, subject to the general exclusions contained in Section 35-100.4.1:
 - 1) Aeronautical facilities (e.g., instrument landing navigation aids and equipment buildings, visual navigation aids, weather data instruments, fencing and access roadways to protect and serve aeronautical installations, and airport entrance roadways);
 - 2) Open space;
 - 3) Agriculture and agricultural storage;
 - 4) Hay, grain, and feed wholesale yards;
 - 5) Wholesale nurseries;
 - 6) Truck, bus, and construction equipment storage yards;
 - 7) Recreational vehicle and boat storage yards;
 - 8) Building materials storage and wholesale yards;
 - 9) Building contractors' yards;
 - 10) Parking lots, including those which may serve areas or uses not within airport clear zones;
 - 11) Automobile wrecking yards;
 - 12) Automobile sales display areas;
 - 13) Mini-storage warehouses;
 - 14) Any other use which the ALUC finds consistent with the Santa Barbara County Airport Land Use Plan or which is approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.
- 3. Airport Approach Zones. The following uses generally are not permitted within one mile of the runway end in the Airport Approach Zones, unless found consistent with the ALUP by the ALUC or approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670:
 - a. Residential development, except for reconstruction, alterations, construction of new single-family homes on existing legal lots, and single-family residential land divisions representing a density less than or equal to four units per gross acre;

- b. Nonresidential development which would result in large concentrations of people (over the ALUC's review threshold of 25 persons per gross acre), including but not limited to schools, office buildings, shopping centers, hospitals, and stadiums.

Sec. 35-100.5 Height Restrictions.

1. Airport Clear and Approach Zones. Within both the Airport Clear Zones and the Airport Approach Zones, the highest point of any structure or improvement (including vegetation) above the elevation of the respective runway end shall not exceed one vertical foot per the following number of feet of horizontal distance between the structure or improvement and the runway end:

<u>AIRPORT</u>	<u>RUNWAY</u>	<u>Horizontal Distance Factor (ft)</u>
Santa Barbara	7	50
	25	34
	15-33	20
Santa Maria	12	50
	30	34
	2-20	20
Lompoc	25	34
	7	20
Santa Ynez	8-26	20

However, this Section shall not prevent the erection or maintenance of a structure or improvement not exceeding 15 feet in height above the elevation of the runway end.

2. Airport Land Use Commission (ALUC) Planning Boundary. Within the ALUC Planning Boundary shown on the maps of the adopted ALUP, which includes but extends beyond the Clear and Approach Zones, all applications for proposed structures or improvements (including vegetation) exceeding a certain height shall be referred to the ALUC for review and possible subsequent referral to the Federal Aviation Administration (FAA) and the affected airport operator for an assessment of potential airspace obstruction. This referral shall be made for all proposed structures or improvements (including vegetation) having a maximum height above site grade exceeding the lesser of:
 - a. One vertical foot for each 100 horizontal feet from the nearest point of the nearest airport runway or helispot, or
 - b. 45 feet.

The purpose of this notification process is to provide a simplified manner for identifying most potential airspace obstructions beyond the boundaries of the Airport Clear and Approach Zones. As such, this process is intended to complement, but not to supersede, related notification requirements specified in the Federal Aviation Regulations (FAR) Part 77. Therefore, this process in no way relieves the applicant of any responsibility for direct notification of the FAA Administrator under FAR Part 77. This procedure is not intended

to affect the timing of normal County processing of the development permit application.

Sec. 35-100.6 Additional Land Use Guidelines.

1. New residential uses, and the conversion of existing structures to residential condominiums, community apartments, stock cooperatives, limited equity cooperatives, dormitories, or other residential uses, on property subject to these F Overlay District Regulations, shall be approved only with conditions such that:
 - a. All unit(s) and associated structures and areas exposed to airport noise levels of 65 dB LDN (or CNEL) or greater shall be subject to an aviation/noise easement or easements, which shall be of a form and content approved by the County in consultation with the affected airport operator;
 - b. Any prospective buyer, lessee, or renter shall be notified in writing, prior to entering any sale, lease, or rent contract, if any exterior living areas associated with the unit(s) for sale, lease, or rent are exposed to airport noise levels of 65 dB LDN (or CNEL) or greater. The State Department of Real Estate's Public Report (for any subdivision, condominium project, etc.) shall disclose whether any units are within a 65+ dB LDN (or CNEL) airport noise exposure area, and shall refer to any aviation/noise easement(s) affecting the unit(s).
2. Any use located within any Clear Zone which involves the storage of more than 10 gallons of flammable liquids or hazardous materials shall, prior to the issuance of a Land Use Permit, be reviewed by the Fire Department(s) providing inspection and/or emergency response service to the site. No Land Use Permit(s) shall be issued unless and until the potential hazards associated with the storage of such materials are mitigated to the reasonable satisfaction of said Fire Department(s).

Sec. 35-101. ARC-CI - Agriculture-Residential Cluster-Channel Islands Overlay District.

Sec. 35-101.1 Purpose and Intent.

The purpose of this overlay district is to preserve the agricultural operations on the Channel Islands and to avoid subdivision of the Islands down to the specified minimum lot sizes. The intent is to permit residential development at a density greater than that allowed under the existing zoning district while ensuring that such development will be compatible with the long-term preservation of the agricultural operation.

Sec. 35-101.2 Affect of ARC-CI Overlay District.

Within the ARC-CI Overlay District, the permitted and conditionally permitted uses of land and the regulations of the base zone district shall apply as well as the additional permitted uses and regulations of the ARC-CI Overlay.

Sec. 35-101.3 Preliminary Development Plan to be Included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this overlay district shall include a Preliminary Development Plan as part of the application.

Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan shall be incorporated into the rezoning ordinance.

Sec. 35-101.4. Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-101.5 Additional Permitted Uses.

1. Residential development at a density greater than that allowed under the base zoning district may be permitted but shall be clustered on no more than two percent of the gross acreage of the property. The maximum density permitted shall be calculated at the rate of one dwelling unit per each two acres included in the two percent area. Residential development up to a maximum of one dwelling unit per each acre included in the two percent area may be permitted provided that the County finds that there is no potential for significant adverse environmental impact with respect to the findings set forth in Section 35-101.6, below.

The two percent area is the maximum area that will be permitted to be taken out of agricultural production and committed to residential and related accessory uses. Included in the two percent area calculation are: residential units, new roads (excluding existing paved roads), parking areas, structural coverage for non-agricultural buildings, private open space such as yards or gardens, etc.

2. A minimum of one percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. Said one percent area shall not be required to be a contiguous area.

Sec. 35-101.6 Findings Required for Approval of Development Plans.

In addition to the findings for development plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Agriculture-Residential Cluster-Channel Islands Overlay District, unless the County also makes the following findings:

1. The proposed development will be compatible with the long-term preservation of the agricultural operation.
2. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses, and the existing agricultural operation.
3. The proposed development has been sited and designed so as to: (a) avoid and buffer all prime agricultural areas of the site; (b) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (c) avoid placement of roads or structures on any environmentally sensitive habitat areas; (d) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (e) minimize risks to life and property due to

geologic, flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from the findings under this paragraph 3.

4. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
5. The conditions, covenants, and restrictions governing the Homeowner's Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

Sec. 35-101.7 Mandatory Conditions.

If the County makes the findings listed in Section 35-101.6, above, development may be permitted subject to the following mandatory conditions:

1. The residential units shall be clustered to the maximum extent feasible within no more than two percent of the gross acreage of the property so as not to interfere with agricultural production or be inconsistent with the goal of maintaining the rural character of the area.
2. A minimum of one percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. The County may require the applicant to construct trails, parking lots, or related public recreational facilities as a condition of development. The locations of such public recreational facilities shall be compatible with the goal of protecting habitat resources and the viability of the existing agricultural operation. Within the one percent area, land shall be reserved for commercial visitor-serving uses at the rate of five acres per 10,000 gross acres of the property for a ten-year period commencing upon the application of this overlay district to the property. Examples of appropriate uses include: rustic lodge or cabins, hostel, campgrounds, etc. Land and access rights for such development may be provided by long-term leases from the Homeowner's Association. At the end of a ten-year period, the land reserved but not developed for the commercial visitor-serving uses may be converted to public recreation and open space if the County makes the finding that commercial uses are not economically feasible.
3. The ownership of the remaining 97 percent of the gross acreage of the property shall be held in common ownership in perpetuity by the members of the Homeowner's Association. The creation of the residential lots shall fully comply with the provisions of the California Subdivision Map Act. Upon creation or sale of residential lots, a capital fund shall be created that will be sufficient to make capital improvements and purchase equipment and materials necessary to ensure continuance of the agricultural operation.
4. Development rights for non-agricultural uses for that portion of the property that will remain in agriculture and development rights for non-commercial visitor-serving uses for that portion of the property to be reserved for commercial visitor-serving uses, i.e., 98 percent of the gross acreage minus the portion to be dedicated for public access and recreation, shall be granted to the County and a third party such as the California Coastal Conservancy free and clear of any financial liens. The portion to remain in agriculture and/or open space shall not be further subdivided.

5. Water and all necessary services shall be allocated to each land use in the following priorities: (a) existing agricultural operations; (b) recreational and visitor-serving uses; and (c) residential development. Water to be reserved for commercial visitor-serving uses shall be in an amount equivalent to that needed for a 100-room hotel or a transient population of 250 persons for each five acres of land reserved for such uses and shall be reserved for the same ten-year period of reservation set aside for such uses. Residential density shall be decreased if necessary to reserve an adequate water supply for agriculture, recreation, and commercial visitor-serving land uses. The EIR on each project shall include an assessment of the potential alternative of intensification of the agricultural operations (e.g., potential for production of higher economic return crops or expansion of existing operations). If this assessment shows that the ranch has good potential for intensification of agriculture without impacting habitat resources, the County shall require the applicant to reserve sufficient water for expanded or intensified agricultural operations.
6. Initial public capital costs created by the development shall be borne by the applicant. Property tax and other revenues accruing to local government from the development shall be equal to or exceed all costs of providing services such as roads, water, sewers, and fire and police protection.
7. A Homeowner's Association shall be formed and membership shall be mandatory for each lot buyer and successive buyers. The Homeowner's Association shall be responsible for the permanent maintenance of the agricultural and open space areas held in common ownership by the homeowners. An assessment system, or other form of subsidy, shall be required to ensure compliance with this condition.

Sec. 35-102. Reserved For Future Use. *(AS Antiquated Subdivision Overlay District deleted by Ord. 4266, 6/24/97)*

Sec. 35-102A. SF - Single Family Restricted Overlay District. *(Added by Ord. 3737, 11/21/88)*

Sec. 35-102A.1 Purpose and Intent.

The purpose of this district is to preserve the character of the single family residential zones in areas subject to strong high density development pressures. The intent of this overlay district is to prevent the development of illegal second units and dormitory-type rental units, and to provide additional on-site parking.

Sec. 35-102A.2 Effect of SF Overlay District.

Within the SF Overlay District, all new residential development, additions to, or conversions of residential development shall comply with the regulations of the base zone district and shall comply with the additional regulations of the SF Overlay District.

Sec. 35-102A.3 Processing.

1. The site plan required under Section 35-169.4 shall clearly indicate the use, full dimensions, and size of all proposed and existing rooms.
2. In order for a Coastal Development Permit to be issued for the proposed development,

addition, or conversion, the following standards shall be complied with:

- a. Residential development shall be limited to a maximum of four bedrooms and a maximum of 2,000 square feet of living area per lot.
- b. An additional parking space shall be required for residential development which results in a total of more than 1,800 square feet of living area.
- c. Bedrooms shall be defined as any room other than a living room, a dining room, a kitchen, or bathrooms.
- d. Any attic or basement area which meets Uniform Building Code minimum height requirements shall be counted as the interior living portion of a dwelling unit.

Sec. 35-102B. Reserved for Future Use. *(GM Overlay Deleted by Ord. 4557, 12/7/04)*

Sec. 35-102C. AH - Affordable Housing. *(Added by Ord. 4110, 7/20/93; Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.1 Purpose

The purpose of this overlay is to promote the development and provision of affordable housing within communities, thereby implementing the policies of the Coastal Land Use Plan, the policies of the County's Housing Element of the Comprehensive Plan and the goals of the Regional Housing Needs Plan. Standards of development and performance shall be consistent with all applicable policies and provisions of the Local Coastal Program, and where feasible may be designed to provide incentives to developers to construct affordable housing while retaining good design and architectural compatibility with adjacent land uses. The intent of this Overlay District is to provide substantial incentives to encourage the provision of either 30 percent or more of all new units available to very low income households or 50 percent or more of all new units constructed available to a mix of affordable income ranges. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.2 Application of AH Overlay District.

The AH Overlay District may be applied in conjunction with the preparation of a Community Plan, or as a County initiated amendment to the Coastal Land Use Element of the Comprehensive Plan, and shall indicate the maximum number of units designated by the overlay. The AH Overlay District shall be applied to parcels subject to, or concurrently considered for, the application of the Affordable Housing Land Use Designation Overlay. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.3 Effect of AH Overlay District. *(Amended by Ord. 4169, 10/11/94)*

Within the AH Overlay District, residential development projects are eligible for increased densities, up to the maximum number of units designated by the overlay, provided that either 30 percent or more of all new units are available to very low income households, or 50 percent or more of all new units are available to a mix of affordable income households, as determined by the County. Such increased density projects are referred to herein as "AH Overlay projects."

Sec. 35-102C.4 Processing.

- a. No permits for development of an AH Overlay project, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).
- b. In order to ensure that all AH-Overlay projects receive timely and preferential processing, qualifying AH Overlay projects shall be subject to the fast track permit process. AH Overlay projects may be eligible for administrative incentives such as deferred fees and for other development incentives provided for in the coastal zoning ordinance. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.5 Uses Permitted.

1. All uses permitted in the base zone district.
2. The following uses may be permitted, in addition to the uses of the base zone district, pursuant to Development Plan approval: Single-family dwellings, duplexes, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, containing a minimum of either 30 percent or 50 percent affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income household categories. *(Amended by Ord. 4169, 10/11/94)*
3. Accessory uses and structures incidental to permitted uses.

Sec. 35-102C.6 Additional Requirements. *(Amended by Ord. 4169, 10/11/94)*

The following requirements shall also apply to an AH Overlay project:

1. Within areas subject to the AH Overlay District all uses of land shall comply with the regulations of the base zone district. Exceptions may be made for the AH Overlay District provided the overlay is applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. In cases where conflict occurs between the base zone district standards and the provisions of the AH Overlay District, the conflict shall be resolved consistent with the provisions of the Local Coastal Program.
2. For any units built above the base density pursuant to the provisions of the AH Overlay, either the 30 percent or the 50 percent affordability requirements shall apply to the total number of units proposed on the site.
3. All AH Overlay projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by the County Counsel, which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes for a minimum of 30 years. The 30-year affordability term of the requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years. *(Amended by Ord. 4455, 4/16/02)*

4. The 50 percent affordable housing component of an AH project shall provide very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each Housing Market Area as indicated in the Housing Element Implementation Guidelines and consistency with affordable housing definitions within said Guidelines.

Sec. 35-102C.7 Additional Modifications to Development Standards. (Added by Ord. 4169, 10/11/94)

1. Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development other than those in Section 35-102C.6 above, may be modified by the decision-maker if deemed necessary to ensure affordability of dwelling units or to provide additional incentives, provided that the project, as modified, shall be found consistent with all applicable policies and provisions of the Local Coastal Program.
2. If deemed appropriate by the Board of Supervisors, fees normally imposed by the County on development projects may be waived, reduced or deferred. In such cases, reduced fees shall be based upon the project proponent supplying the Board of Supervisors with evidence and assurances that savings realized from such reductions will be passed on to the future residents by way of reduced rent or purchase price for units. Fees shall not be waived, reduced or deferred where such fees implement the policies and provisions of the Local Coastal Program. Examples of such fees include, but are not limited to, those required for public access or for the provisions of parks or recreational facilities.

Sec. 35-102C.8 Density Modifications. (Amended by Ord. 4169, 10/11/94)

Projects proposed within the AH Overlay District shall be entitled to a density adjustment of the base zone district authorizing an increase in the maximum allowable density. Any density increase granted for an AH Overlay project which exceeds the base zone district density shall be inclusive of density bonuses authorized and/or required by state law (e.g. density increase must be at least 25 percent over base density) [Government Code Section 65915-65918 or successor statute(s)]. The maximum density for a parcel within the AH Overlay District shall be indicated in the Comprehensive Plan.

Sec. 35-102C.9 Pre-application Procedures. (Amended by Ord. 4169, 10/11/94)

Prior to submitting an application for an AH Overlay project, the applicant should obtain pre-application and other preliminary consultations with the Planning and Development Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project. If the developer chooses not to participate in the pre-application process, the project may not qualify for a fast track permit process.

Sec. 35-102C.10 Approval of Development Plans.

The Development Plan and accompanying maps, contracts and other documentation submitted with the application for an AH Overlay project shall be reviewed in accordance with the provisions of Section 35-174, Development Plans, of this Article and shall be subject to such conditions and requirements as are deemed appropriate and necessary to ensure compliance with the purposes of the County's Local Coastal Program, affordable housing program, the Housing

Element and other applicable elements of the Comprehensive Plan. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.11 Required Findings for Rezones to AH-Overlay District. *(Added by Ord. 4169, 10/11/94)*

Prior to approval of an AH-Overlay project, the decision makers shall make all of the following findings:

1. The site is subject to the Affordable Housing Land Use Designation Overlay or such designation is currently being processed.
2. The site has a residential land use designation or would be appropriate for residential use if a Coastal Land Use Plan amendment is being concurrently processed (e.g. underutilized commercial land surrounded by residential land or other compatible land use);
3. The site has a base zone district which allows residential use and requires a Development Plan for such use. This may also be achieved through a rezone.
4. The site is served by a water district and by a municipal sanitary district;
5. The site is of adequate size and shape to allow the reasonable development of housing;
6. The site is located near major travel corridors or services;
7. The site is located within reasonable walking distance to transit lines, employment centers, schools, and commercial areas;
8. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., steep slopes and other geologic hazards, archaeological resources, streams and creeks, sensitive habitat areas, and airport noise and safety zones) and that residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Local Coastal Program.

Sec. 35-102D. Hazardous Waste Management Facility. *(Added by Ord. 4047, 5/19/92)*

Sec. 35-102D.1 Purpose and Intent.

The purpose of this overlay district is to provide a mechanism for the siting of offsite hazardous waste management facilities and to ensure that such facilities are sited consistent with both the requirements of the Comprehensive Plan's Hazardous Waste Element and the base zoning district over which the HWMF Overlay District is applied.

Sec. 35-102D.2 Effect of the HWMF Overlay District.

Projects sited on land for which a rezone to HWMF has been initiated must meet all of the siting criteria set forth in the County's Hazardous Waste Element. Within the HWMF Overlay District, all uses of land shall comply with the requirements of the applicable base zoning district provided, however, that all development shall comply with any additional requirements set forth in the HWMF Overlay District. In cases where the regulations of the HWMF Overlay District conflict with the regulations of the base zoning district, the regulations more protective of the

public health and the environment shall take precedence.

Sec. 35-102D.3 Preliminary Development Plan to be included in Application for Rezoning.

Unless the Planning Commission expressly waives the requirement, an application for a rezone to the HWMF Overlay District shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezone and the Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

Sec. 35-102D.4 Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits).

Sec. 35-102D.5 Permitted Uses.

1. Transfer station.
2. Storage facilities.
3. Treatment facilities.
4. Recycling facilities.
5. Residuals repositories.

Sec. 35-102D.6 Application Requirements.

Prior to the filing of an application for a rezone to the HWMF Overlay District and/or a Development Plan for a HWMF, a pre-application conference shall be held. In addition to the application requirements for a rezone and Development Plan, applications for uses within the HWMF Overlay District shall include:

1. A discussion of the consistency of the proposed project with the siting criteria for offsite hazardous waste facilities set forth in the hazardous Waste Element.
2. An evaluation of alternative sites for the project.
3. Maps showing the area within a half-mile radius of the project site which indicate:
 - a) All dwelling units and other sensitive land uses such as schools, hospitals, libraries, parks, etc.;
 - b) Other buildings and structures;
 - c) Environmentally sensitive areas;
 - d) Location of major highways and access routes;

- e) Available emergency services; and
 - f) All significant topographic features.
4. Maps showing the area within a quarter-mile radius of the project site which indicate:
 - a) All sanitary sewer systems;
 - b) All storm drains; and
 - c) The prevailing wind direction.
 5. Information on the types, and maximum and average expected quantities of wastes proposed to be stored, treated, or disposed of by the facility, and the physical and chemical characteristics of those wastes.
 6. A Risk Assessment including risk identification and mitigation that addresses each of the elements identified in Implementation Program 3-B of the Hazardous Waste Element.
 7. A preliminary Risk Management and Prevention Program (RMPP) if a RMPP is required by Chapter 1183, Section 65850.2 of the Government Code.
 8. A preliminary emergency response plan that addresses the potential actions to be taken in the event of a release or a threatened release of a hazardous waste.
 9. Measures or plans to ensure site security.
 10. Depth to groundwater analysis.
 11. Data needed to evaluate need for the hazardous waste management facility as identified by Policy 2-1 of the Hazardous Waste Element, including but not limited to data from the state manifest records, data from Environmental Health Services, other current data, and any intergovernmental agreements into which the County has entered.
 12. Any other information that the Planning and Development Department deems necessary to evaluate and process the application.

Sec. 35-102D.7 Findings Required for Approval of a Rezone and Development Plan.

In addition to the findings required for approval of Rezones and Development Plans, no Rezone to the HWMF Overlay District and/or Development Plan for a hazardous waste management facility shall be approved unless the County also makes the following findings:

1. There is a need for the offsite treatment, storage, or disposal hazardous waste management facility as determined pursuant to Policy 2-1 of the Hazardous Waste Element.
2. The rezone and/or proposed facility is consistent with the siting criteria for offsite hazardous waste management facilities set forth in the Hazardous Waste Element and the development standards set forth in Section 35-102D.8 below.

3. A risk assessment has been prepared for the rezone and/or Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
4. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.
5. The project will not create a financial burden for the County.
6. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure and post-closure of the facility.

Sec. 35-102D.8 Development Standards.

1. A buffer adequate to protect the public health and environmentally sensitive areas shall be established. The size and location of the buffer shall be based on a thorough assessment of risk to human health and the environment.
2. All hazardous waste facilities must be designed and constructed to be able to contain spills, leaks, and other accidental releases of waste. Containment shall provide protection to air quality and surface and groundwater resources, and shall be based on a site characterization and geologic report.
3. Treatment, recycling, transfer and storage facilities should be sited in Urban Areas unless they are needed in a Rural Area or the Planning Commission finds that the facility or facilities cannot be located in an Urban Area. Residuals Repositories shall not be sited in Urban Areas.
4. In Urban Areas, all facilities must use public services.
5. In rural areas where public services are not available, private services for all facilities must be designed adequately for capacity and environmental protection.
6. Hazardous waste management facilities shall include measures for adequate site security.
7. Hazardous waste management facilities shall be visually compatible with existing and anticipated surrounding land uses.
8. No noxious odors associated with a hazardous waste facility shall be detectable at the property boundary.
9. The level of noise generated by the facility at the property boundary shall not exceed 65 db(A).
10. A monitoring system to measure offsite impacts including but not limited to noise, odors, vibration and air and water quality degradation shall be in operation throughout the construction, operation, closure and post-closure of the facility.
11. All outside lighting shall be shielded and no unobstructed beam of light shall shine off the premises. In addition, no lighting shall draw attention to the facility, and shall be an overall

level and type compatible with surrounding uses.

Sec. 35-102E. HC - Highway 101 Corridor Overlay District. *THIS SECTION HAS NOT RECEIVED COASTAL COMMISSION CERTIFICATION AND IS NOT IN EFFECT*

Sec. 35-102E.1 Purpose and Intent.

The Highway 101 Corridor includes areas of exceptional aesthetic, historic and natural value. Within the urbanized area of the South Coast, past, proposed and potential transportation improvements within this corridor may adversely affect these resources. The purpose of this district is to designate a geographical area along Highway 101 in the urbanized area of the South Coast where unique public viewsheds, scenic, historic and natural assets and community character should be protected. The intent of this overlay district is to ensure that all development in this area is designed and carried out in a manner that provides maximum protection, restoration and/or enhancement of this corridor's unique qualities and promotes multi-modal transportation.

Sec. 35-102E.2 District Boundaries.

The boundaries of this HC Overlay District are specified on the applicable Santa Barbara County Zoning Map.

Sec. 35-102E.3 Applicability of HC Overlay District.

Within the HC Overlay District, all uses of land shall comply with the regulations of the base zone district. In addition, any development (1) within the State-owned right-of-way, (2) within the County right-of-way, or (3) on private land adjacent to Highway 101 for which a public agency has obtained an easement to carry out a project, shall comply with the additional regulations set forth in this HC Overlay District.

Sec. 35-102E.4 Processing.

The provisions of this section shall only apply to development described in Section 35-102E.3.

1. In addition to the application requirements of the base zone district, applications for development shall include:
 - a. A delineation of all streams, rivers, water bodies, wetlands and other ESH designated areas located within 50 feet of the property boundary;
 - b. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures;
 - c. A description of the existing landscaping on the site;
 - d. Plot plan, elevations, architectural and landscaping palettes, color and material to be used;
 - e. Any other information pertinent to the particular development which might be necessary for the review of the project requested by Planning and Development.

2. Upon receipt of an application, Planning and Development shall determine the potential of the proposed development to either adversely impact or enhance the visual and historical qualities of the area and the opportunity for multi-modal transportation, develop appropriate conditions of approval if necessary and forward its recommendations to the decision maker(s).

Sec. 35-102E.5 Development Standards

The following development standards shall apply to all projects as described in Section 35-102E.3.

1. To the maximum extent feasible, all projects shall comply with the Highway 101 Corridor Design Guidelines available upon request at Planning and Development.
2. All grading shall be conducted in such a manner as to maintain the existing profile of the Highway 101 Corridor, soften the appearance of the highway and its massive structures, preserve existing landscaping and provide new landscaping.
3. Highway crossing design shall:
 - a. Promote use by pedestrians and bicyclists, as well as automobiles and trucks;
 - b. Provide adequate space for large scale landscaping in order to soften the bulk of freeway structures and provide continuity between structures and vegetation; and
 - c. Allow for movement of anadromous or other migratory fish species, including steelhead.
4. Roadway approaches and departures from highway structures shall provide safe crossings for both pedestrians and bicyclists. The following features shall be included:
 - a. Walkways, bikeways and/or multi-purpose trails, separated from vehicle lanes;
 - b. Minimum road widths and pedestrian islands at on/off ramps to accommodate pedestrian and bicyclist crossings;
 - c. Passageway for the movement of anadromous or other migratory fish species, including steelhead.
5. Drought-tolerant native species shall be utilized in landscape plans to the maximum extent feasible. Emphasis shall be placed on using a palette of native species and exotic species (if well adapted and non-invasive). Plants native to southern Santa Barbara County shall be used where they are naturally suited.
6. To the maximum extent feasible, all development, including expansion of U.S. Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities which exist along the affected transportation corridor, or to replace such landscaping with comparable scenic and visual amenities. To the extent feasible, the historic landscaping scheme shall be preserved and restored.

7. Upon adoption of the Highway 101 Corridor Master Landscaping Plan, to be developed by CalTrans with community input and County approval, all projects in the Highway 101 Corridor shall be consistent with this plan.
8. Highway 101 Corridor projects shall include median landscaping to soften the concrete and asphalt expanse of the highway.
9. Within 100 feet of wetlands, within 50 feet of oak woodlands and within 50 feet from either side of top-of-bank of creeks or existing edge of riparian vegetation, which ever is further, landscaping shall consist only of native plants which are indigenous to the south coast of Santa Barbara County, selected on the basis of specific environmental conditions; this landscaping shall be propagated from locally collected plant materials (e.g. seeds and cuttings). Exceptions will be made, where Eucalyptus trees are providing habitat for Monarch butterflies or raptors (Refer to Goleta Community Plan - Southern Section, Environmentally Sensitive habitats and Riparian Corridor Protection Overlays Map and Note on Eucalyptus in Appendix B of the Highway 101 Corridor Design Guidelines available upon request at Planning and Development).

Sec.35-102E.6 Modifications.

Modifications to the above development standards may be granted by the decision maker(s) when they are found infeasible due to safety or physical constraints.

Sec. 35-102F. CA - Carpinteria Agricultural Overlay District. *(Added by Ord. 4529, 4/20/04)****Sec. 35-102F.1 Purpose and Intent.***

The purpose of this overlay district is to designate geographic areas of AG-I zoned lands in the Carpinteria Valley appropriate to support future greenhouse development and to designate areas appropriate for the preservation of open field agricultural uses. The intent is to ensure well-designed greenhouse development and to limit the loss of open field agricultural areas from piecemeal greenhouse expansion by providing well-crafted development standards that protect the water quality, visual resources, and rural character of the Carpinteria Valley.

Sec. 35-102F.2 Applicability and District Boundaries.

The provisions of this overlay district that apply to greenhouses shall also apply to shade structures and hoop structures unless expressly stated otherwise. The provisions of this overlay district shall apply to AG-I zoned lands in the coastal zone of the Carpinteria Valley. The Carpinteria Agricultural Overlay District identifies areas where future development of greenhouses shall be regulated in accordance with this overlay district.

Area A allows future expansion of greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures, on AG-I zoned lands as identified by the Carpinteria Agricultural Overlay District map, subject to the provisions of this overlay district. Area A is generally located south of Highway 192, east of Nidever Road and west of Linden Avenue.

Area B allows new greenhouses, greenhouse related development, packing and shipping

facilities, shade structures and hoop structures subject to the provisions of this overlay; however, no more than 20,000 square feet cumulative is permitted per legal lot. Area B encompasses the remainder of AG-I zoned lands in the Carpinteria Valley as identified by the Carpinteria Agricultural Overlay District map.

Sec. 35-102F.3 Effect of the CA Overlay District.

Within the CA Overlay District, all uses of land shall comply with regulations of the base zone district (AG-I). In Areas A and B legally permitted greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures existing on the effective date of ordinance adoption will be considered conforming uses. New or altered greenhouses and greenhouse related development, packing and shipping facilities, shade structures and hoop structures in the Carpinteria Valley must comply with the regulations of this CA Overlay District before the issuance of a Coastal Development Permit under Section 35-169. If any of the provisions of this overlay district conflict with the provisions of base zoning district regulations, the provisions that are most restrictive shall govern.

Sec. 35-102F.4 Development Cap for Greenhouses and Greenhouse Related Development.

Within Area A of the CA Overlay District, no more than 2.75 million square feet of new greenhouses, greenhouse related development, packing and shipping facilities, and hoop structures may occur after the date of adoption of this overlay district. For the purpose of calculating this development cap, all greenhouses, packing and shipping facilities, hoop structures, and greenhouse related development (including associated paved parking and driveways, and associated accessory structures [e.g. boiler rooms, storage sheds, etc.]) shall be included. Shade structures shall not be calculated towards the cap. Structures that are legalized during the amnesty period (Section 35-102F.7.2) shall not be calculated towards the development cap.

Sec. 35-102F.5 Processing.

1. The following types of development shall require a Coastal Development Permit (Section 35-169):
 - a. Development of new greenhouses, greenhouse related development, packing and shipping facilities, additions or alterations to existing greenhouses or related development, and conversions of shade or hoop structures to greenhouses, where the cumulative lot coverage is less than 20,000 square feet (see Section 35-102F.5.3 for additional requirements for packing and shipping facilities).
 - b. Development of new shade structures or hoop structures greater than 500 square feet, where the cumulative lot coverage is less than 20,000 square feet. Hoop structures greater than 5,000 sq. ft. in area shall be subject to Flood Control District review to mitigate potential drainage and erosion impacts.
 - c. Minor alterations or additions to an existing greenhouse, packing and shipping facility, or related development, including retrofits of aging structures, if such alterations and additions meet the requirements of this overlay district and all of the following applicable criteria:

- 1) The existing structure(s) shall be legally permitted.
 - 2) Alterations shall not conflict with project conditions of approval for the existing structure.
 - 3) Alterations to existing structures shall not reduce the effectiveness of existing landscape screening, result in the removal of specimen trees, or disrupt environmentally sensitive areas.
 - 4) Alterations shall incorporate the applicable development standards set forth in Section 35-102F.9.
 - 5) Additions shall not result in a cumulative lot coverage of 20,000 square feet or more, or in an increase of 1,000 square feet or five percent of building coverage of all existing structures, whichever is less.
2. The following types of development shall require a Development Plan (Section 35-174) and a Coastal Development Permit (Section 35-169):
- a. In Area A, development of new greenhouses, greenhouse related development, packing and shipping facilities, additions or alterations to existing greenhouses or greenhouse related development, and conversions of shade or hoop structures to greenhouses or greenhouse related development, where the cumulative lot coverage would total 20,000 square feet or more (see Section 35-102F.5.3 for additional requirements for packing and shipping facilities).
 - b. In Area A, development of new shade structures or hoop structures, where the cumulative lot coverage would total 20,000 square feet or more.
3. Packing and shipping facilities, other than the following, shall require a Minor Conditional Use Permit (Section 35-172). Packing and shipping facilities of less than 5,000 square feet may be processed by a Coastal Development Permit only, provided there are no existing greenhouses or greenhouse related development on the lot.
4. Greenhouse and greenhouse related development on five to 10 percent slopes shall require a Major Conditional Use Permit. Prior to approval of such development, the approving body shall make findings described in Section 35-68.13.

Sec. 35-102F.6 Submittal Requirements.

1. In addition to the application requirements of Section 35-169, applications for a Coastal Development Permit for any greenhouse, greenhouse related development, packing and shipping facilities, and/or shade or hoop structure in the CA Overlay District shall include:
 - a. A complete listing of the types, quantities and frequencies of application of chemicals (fertilizers, salts, corrosion inhibitors, etc.) that are expected to be used in the greenhouse operation.
 - b. A statement of cultivation method.

- c. A map (US Geologic Survey 7.5 minute series topographic map) showing the location of water wells within one-half mile radius of the proposed project and the location of any surface waters or drainage ways within one-half mile of the project site.
 - d. Soil types present within the proposed building location, and total amount of grading (cut and fill).
 - e. A description of the proposed domestic waste disposal system. Percolation tests shall be required for new septic systems. For existing septic systems that are a part of the project description, a certification from a qualified inspector demonstrating that the system is adequate to serve existing and proposed uses.
 - f. A plot plan depicting building footprints, driveways/access roads, parking, loading docks, retention basin, finished building elevations and roof panel orientation. Building and drainage plans shall be submitted to Flood Control District for review.
 - g. A landscape plan to consist of the components listed in Section 35-102F.9.
 - h. Determination of the extent and location of prime agricultural soils (pursuant to the definition of prime agricultural lands in Section 35-58 of the Zoning Code) in the project area.
 - i. A water quality management plan, required for all greenhouses, greenhouse related development, and hoop structures, to consist of the components listed in Section 35-102F.9.
2. In addition to the application requirements in Section 1. above and Section 35-174 (Development Plans), applications for a development plan or Conditional Use Permit for any greenhouse, greenhouse related development, packing and shipping facilities, and/or hoop structure in the CA Overlay District shall include the items below. These items may not be required for a new shade structure with no other greenhouse development on site.
- a. A Traffic Management Plan to consist of the components listed in Section 35-102F.9.

Sec. 35-102F.7 Conforming and Nonconforming Structures.

1. As of the effective date of ordinance adoption, all existing greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development in both Areas A and B are considered conforming structures, provided such structures were legally approved and constructed and are consistent with the provisions set forth in this overlay district. Structures that were legally approved and constructed but are not consistent with the provisions set forth in this overlay district are considered nonconforming structures. In Area B, greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development of 20,000 square feet or more, and legally approved and constructed prior to date of adoption of this ordinance, are considered conforming structures if they meet all other requirements of this overlay district. Greenhouses and related structures that do not conform to the provisions of this overlay district, but are otherwise conforming uses (i.e. legally permitted as of the effective date of ordinance

adoption), shall be subject to the provisions contained in Division 10. Section 35-162 (Nonconforming Buildings and Structures).

2. **Amnesty Period for Existing Unpermitted Structures.** Existing unpermitted greenhouses, packing and shipping facilities, shade and hoop structures and greenhouse related development, which were constructed prior to April 22, 1999, may be legalized through application for a development permit if such structures conform to the provisions set forth in this overlay district. Application for such permits must be made on or before two years after the effective date of this ordinance. Structures that are legalized during the amnesty period shall not be counted towards the development cap (Section 35-102F.4)

Sec. 35-102F.8 General Requirements.

1. **Lot Coverage.** Lot coverage shall be calculated to include all greenhouses, shade and hoop structures, packing and shipping facilities, and greenhouse related development, including accessory buildings, and associated paved driveways and parking areas.
 - a. For parcels identified as view corridor parcels on the Carpinteria Agricultural Overlay District map, lot coverage shall not exceed 25 percent net lot coverage. Development shall be clustered adjacent to existing greenhouse development to the greatest extent feasible.
 - b. In Area B, the maximum cumulative lot coverage shall be 20,000 square feet.
2. **Height.**
 - a. The maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 30 feet above finished grade. The maximum absolute height of any shade structure or hoop structure shall be no greater than 12 feet above natural grade.
 - b. Within view corridors the maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 25 feet above finished grade.
3. **Setbacks.** The following setbacks for greenhouses, packing and shipping facilities, shade and hoop structures, and related structures shall apply:
 - a. **Front:** 75 feet from the right of way line of any street. For parcels within identified view corridors, the front setback shall be at least 250 feet from right of way.
 - b. **Side and Rear:** 30 feet from the lot lines on which the building or structure is located.
 - c. **Interior Lot:** 20 feet from the lot lines on which the building or structure is located.
 - d. 100 feet from a residentially-zoned lot or 50 feet from an adjacent parcel where there is an approved residential dwelling located within 50 feet of the parcel boundary.
 - e. 100 feet from top-of-bank or edge of riparian habitat of natural creek channels,

whichever is greater.

4. Maximum Slope.

- a. In Area B, greenhouses and greenhouse related development shall be prohibited on slopes in excess of 10 percent within the Carpinteria Valley. Greenhouse and greenhouse related development on five to 10 percent slopes shall require a Major Conditional Use Permit. Prior to approval of such development, the approving body shall make findings described in Section 35-68.13.

5. Prime Agricultural Soils.

- a. Greenhouse operations on prime agricultural soils shall encourage use of in-soil cultivation methods.
- b. Prime agricultural soils shall not be modified with sterilants or other chemicals that adversely affect the long-term productivity of the soil.
- c. The removal of prime agricultural soils shall be prohibited, including removal of indigenous prime soils used as a growing medium for container plants which are sold intact.

Sec. 35-102F.9 Development Standards for Greenhouses and Related Development.

- A. Prior to approval of a Coastal Development Permit for any greenhouse, related development, packing and shipping facility, shade or hoop structure, within the CA Overlay District, the proposed development shall meet the following development standards where applicable.

1. A landscaping plan shall be required which provides, to the maximum extent feasible, visual screening of all structures and parking areas from all adjacent public roads and view corridors. The landscape plan shall include the following:

- a. The landscaping plan shall consist of plants which will reasonably screen the development within five years and which are compatible with the surrounding visual character of the area.
- b. Landscaping within front setbacks shall gradually increase in height away from public roadways. Solid wall fencing shall not be relied upon as a primary means of screening. Solid wall or chain-link security fencing shall be screened from public view corridors by dense landscaping and/or covered with attractive climbing vines.
- c. Where structures are proposed in existing orchards or adjacent to wind rows, perimeter trees shall be preserved to the maximum extent feasible in order to provide visual screening along adjacent public roadways. Remnant orchard trees shall be maintained in good condition to ensure that trees do not become hosts for pests or diseases.
- d. Landscaping, fences, and walls shall not impede views of scenic areas from public roads, parks, beaches, or other public viewing areas.

Landscaping shall be maintained for the life of the project. The applicant shall post a performance security to ensure that landscaping provides adequate screening within five years. If landscaping is removed or substantially altered, a revised landscape plan shall be submitted to Planning and Development for substantial conformity review with the original conditions of approval and replacement landscaping shall be installed and maintained.

2. All greenhouses, greenhouse related development, packing and shipping facilities and hoop structures shall be required to mitigate for increased storm water runoff from development of the project site. Post-development peak runoff rate shall not exceed 75 percent of the calculated pre-development peak runoff rate for five to 100 year events. Where required, retention basins and other storm water drainage facilities shall be designed in conformance with the County Flood Control District and County Water Agency¹ standards and guidelines.
3. Where wastewater flows from greenhouses, greenhouse related development, hoop structures and packing and shipping facilities are proposed to be disposed through a private septic system, adequate undeveloped area shall be maintained to accommodate the septic system components, including 100 percent expansion areas, and required setbacks from buildings, property lines, wells, storm water retention facilities, streams, etc. No development shall be placed above the septic system components.
4. Compost, fertilizer and pesticides shall be stored in a manner that minimizes generation of leachate and polluted runoff. The storage area must have a covering to minimize the exposure of these materials to stormwater. In addition, compost piles and fertilizer storage areas shall be located outside of the 100-year flood plain.
5. The Carpinteria-Summerland Fire Protection District shall review and approve storage areas for pesticides, herbicides and fertilizers. Storage areas shall be designed with the following mandatory components, and or other requirements deemed necessary by the District:
 - a. A low berm shall be designated around the interior floor to prevent migration of materials in the event of a spill. Any spilled material shall be disposed of in accordance with Carpinteria-Summerland Fire Protection District requirements.
 - b. The floor shall be a concrete slab.
 - c. The storage area must have a covering.
 - d. The berm shall be designed to provide 100 percent containment of any stored liquids in the event of a spill.
 - e. In the event that storage, handling or use of hazardous materials within the provisions of AB 2185/2187 occurs on site, the applicant shall implement a Hazardous Materials Business Plan (HMBP).

¹ In cases where the County Water Agency (CWA) does not maintain authority over the regulation of greenhouse development, policy references to the CWA denote that greenhouse development must be consistent with the water quality design *standards* adopted by the County Water Agency.

6. Waste brine shall be contained and disposed of in accordance with federal, state, county and local regulations and requirements. If any discharge of high saline brines is proposed, then the discharger shall consult with the Regional Water Quality Control Board (RWQCB) staff to determine the appropriate regulatory requirements for the specific discharge.
7. Exterior lighting shall be for specific safety purposes only and shall be hooded/shielded to minimize the spread of light off-site and to minimize impacts to the rural nighttime character.
8. To the extent feasible, new greenhouse development and packing and shipping facilities shall be oriented with the roof axis aligned from north to south to reduce glare impacts.
9. To the maximum extent feasible, hardscaped areas (i.e., parking lots, driveways, loading bays, interior walkways in greenhouses, packing and shipping facilities, and accessory building footprints) shall be minimized in order to preserve the maximum amount of agricultural soils and reduce the potential for adverse impacts to water quality. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of permeable surfaces wherever feasible.
10. To the maximum extent feasible, vegetative cover shall be provided in areas of non-structural development to encourage storm water infiltration and reduce runoff from hardscaped areas. The use of open field crops should be encouraged to keep non-greenhouse areas in production.
11. Stationary construction equipment that could generate noise exceeding 65 dB(A) CNEL at property boundaries shall be shielded to County Planning and Development's satisfaction and, where feasible, shall be located a minimum of 200 feet from sensitive receptors.
12. Industrial fans and heaters for all greenhouses, greenhouse related development and packing and shipping facilities shall be designed such that external sound levels do not exceed 65 dB(A) CNEL at the property line. Such equipment shall not be located on greenhouse walls that face adjacent existing residences. To ensure that this maximum sound level is not exceeded, acoustical analyses shall be conducted prior to zoning clearance or at the time of discretionary approval of individual greenhouses, related development, and packing and shipping facilities, and follow-up noise monitoring shall be conducted at least twice during the first year of operation. If noise levels from equipment are found to exceed 65 dB(A) CNEL at the property line, adjustments shall be made to ensure compliance with this requirement.
13. Noise associated with paging and/or broadcasting of music over speakers within greenhouses, related structures and packing and shipping facilities structures shall be limited to levels that are not audible at the property line.
14. Packing and distribution facilities shall be subject to Board of Architectural Review review. The size, height, design, and appearance shall be compatible with the rural character of the area.
15. To the maximum extent feasible, packing and distribution facilities, loading docks, and delivery bays shall be centrally located within individual greenhouse operations. When

packing and distribution facilities are centrally located, the driveway to reach such a facility shall not be counted toward the CA Overlay development cap. Idling of trucks shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. A minimum 100 foot setback shall be maintained between loading/unloading areas, driveways and parking areas and adjacent residential properties.

16. All new or retrofit greenhouse or plant protection structures shall include a mechanized blackout screen system within growing areas to prevent interior night lighting from being visible outside the structure. If the applicant does not intend to use night lighting, the project description for individual greenhouse projects shall clearly state that night lighting within growing areas shall not occur.
17. All boilers, steam generators and process heaters proposed at new or expanded greenhouse operations shall utilize low-NOx burners.
18. Greenhouse development shall be sited and designed to minimize adverse impacts on scenic areas, and public views of the ridgelines and natural features visible from public roadways or other public viewing areas to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas and public views of ridge line and natural features visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, reducing maximum height standards, breaking up the mass of new structures, clustering new structures with existing greenhouse development along the edges of the properties to maintain maximum through-view corridor, and incorporating landscape elements.
19. Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including re-siting, or reducing the height or bulk of the greenhouse development.
20. Greenhouses, greenhouse related development, and hoop structures shall be required to implement post construction structural treatment control Best Management Practices if determined necessary for the protection of water quality by the County on a case-by-case basis. Where required, these post-construction structural treatment control Best Management Practices shall be designed and installed consistent with County Flood Control District and County Water Agency standards and guidelines, including accommodating rainfall events up to 1.2 inches in volume or 0.3 inches per hour. These post-construction structural treatment control Best Management Practices can be stand-alone devices or integrated into the storm water drainage facilities used to control the five to 100 year events described in Section 35-102F.9.2.
21. Applicants shall prepare a Water Quality Management Plan (WQMP) for review and approval by Planning and Development and consultation by Environmental Health Services, the Regional Water Quality Control Board and the Carpinteria Valley Water District. The WQMP shall be required for all greenhouses, greenhouse related development, and hoop structures and shall consist of the following components:

- a. An erosion and sediment control plan, including a description of Best Management Practices that will be implemented during the construction phase of development to prevent water quality degradation.
- b. The location, description and design of all post-construction Best Management Practices.
- c. A flow diagram of the proposed water system to be used, including average and maximum daily flows.
- d. The mapped location of all existing and proposed surface and sub-surface drainage facilities.
- e. Information on the proposed water and nutrient delivery systems, specifying water conservation measures and a comprehensive nutrient management plan designed to minimize nutrient loss.
- f. Pesticide Best Management Practices that minimize the use of pesticides as defined and required by the County Agricultural Commissioner.
- g. The location and type of treatment and disposal facilities for irrigation, washwater, boiler blowdown, water softener regeneration brines, and retention basins.
- h. Best Management Practices designed to eliminate or minimize polluted runoff, including but not limited to the following:
 - 1) Use of water systems that minimize surface water transport (i.e., trickle, drip, mist, hydroponic irrigation systems).
 - 2) Use of water and nutrient recycling technologies.
 - 3) Use of soil conservation techniques that reduce erosion and sedimentation and remove solids and associated pollutants in runoff.
 - 4) Employment of fertilization methods that maximize the efficiency of nutrient delivery and uptake such as controlled-release fertilizers (CRF) or liquid fertilizer (LF).
 - 5) Implementation of Integrated Pest Management techniques. All greenhouses, greenhouse related development, and hoop structures should implement measures to eliminate the need for discharge of wastewater (i.e. irrigation runoff). If any type of discharge to land, groundwater, or surface water of wastewater is proposed, then the discharger shall submit a Report of Waste Discharge to the Regional Water Quality Control Board (RWQCB) staff. The Water Quality Management Plan shall indicate any discharge requirements determined necessary by the RWQCB. The approved Water Quality Management Plan shall be implemented by the applicant for the proposed greenhouse development and greenhouse related development.

22. Irrigation Water Detention System: If deemed necessary by Planning and Development, in

consultation with the Regional Water Quality Control Board staff, to further reduce potential water quality impacts, all excess surface irrigation process water shall be collected and routed to a sealed bottom, irrigation water detention basin. The detention basin shall function as a water bank during low rainfall periods (i.e. May to November) for water conservation and reuse. The irrigation water detention basin shall be separate from and not connected to any required flood control retention basin. The irrigation water detention basin shall be designed in accordance with Santa Barbara County Flood Control and Water Conservation District and County Water Agency requirements.

23. The Carpinteria Valley Water District (CVWD) shall determine, pursuant to adopted criteria, the necessary groundwater testing and reporting required to monitor nitrate loading of groundwater caused by the applicant's development. The applicant shall install any monitoring wells as required by CVWD, or shall reimburse CVWD for the cost of installation of these wells. The applicant shall conduct groundwater testing and reporting as required by CVWD, or shall reimburse CVWD for the cost of this testing and reporting. All monitoring data and reports prepared by CVWD shall be submitted as public record to the CVWD Board of Directors and the County Planning & Development Department. Nitrate loading found to be in excess of District standards, as a result of the groundwater testing conducted or required by CVWD, shall cause a subsequent review of the greenhouse facility and operations by CVWD, in consultation with Planning & Development. All subsequent review costs shall be paid for by the applicant. If District standards continue to be exceeded, the applicant must implement a plan, approved by CVWD and the County, to modify its operations to address the nitrate loading. In addition, CVWD may take enforcement action, as applicable. Compliance with the requirements of this paragraph shall be imposed as a condition of approval of the Coastal Development Permit.
24. Prior to approval of any project, the property owner must sign a written agreement with Santa Barbara County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The property owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.
- B. In addition to the development standard requirements in Section 35-102F.9.A above, applications for a Development Plan or Conditional Use Permit for any greenhouse, greenhouse related development, packing and shipping facility, and/or hoop structure in the CA Overlay District shall meet the following development standards where applicable.
25. The Traffic Management Plan shall consist of the following components:
 - a. A focused traffic analysis that identifies truck size and the number of new peak hour trips the project will send to the Santa Monica/Via Real/U.S. Highway 101 northbound ramp interchange and the Linden Avenue/U.S. Highway 101 southbound ramp interchange.

- b. Preferred truck routes, with specific information given to drivers prior to entering the Carpinteria Valley.
 - c. Information regarding approach and exit speeds, turning movements, hours of delivery, etc.
 - d. Driveway access design shall ensure compliance with state and county sight distance requirements and safely accommodate truck maneuvers. Driveway access improvements shall not inhibit or diminish the effectiveness of required landscape mitigation. To the maximum extent feasible, the design and scale shall be consistent with the rural character of the area.
 - e. Truck deliveries and employee parking shall be accommodated on site.
26. New greenhouses, greenhouse related development and packing and shipping facilities contributing peak hour trips to the Santa Monica/Via Real/U.S. 101 northbound interchange and the Linden Avenue/U.S. 101 southbound off-ramp interchange shall pay a pro-rata contribution towards future interchange improvements.

Sec. 35-102F.10 Subdivisions

No increase in greenhouses or greenhouse related development within the Carpinteria Valley shall result from divisions or redivisions of land, redesignations or rezonings of AG-I or AG-II, or other land uses, subsequent to the date of Commission action on LCP amendment STB-MAJ-2-02.

DIVISION 6 PARKING REGULATIONS

Sec. 35-103. Purpose and Intent.

The purpose of this DIVISION is to assure the provisions and maintenance of safe, adequate, well-designed off-street parking facilities in conjunction with any use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards set forth in this DIVISION shall be considered minimums, and more extensive parking provisions may be required by the Planning Commission as a condition of project approval.

Sec. 35-104. Applicability.

Unless otherwise provided in the specific, applicable zone district, the provisions of this DIVISION shall apply to the appropriate uses and development.

Sec. 35-105. Maintenance of Parking Spaces.

No parking area or parking space provided for the purpose of complying with the provisions of this DIVISION shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this DIVISION. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

Sec. 35-106. Recalculation of Parking Spaces Upon Change of Use.

Upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this DIVISION for the new use. Any previous parking modifications granted by the Planning Commission, Zoning Administrator, or the Director shall be null and void. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-107. Required Number of Spaces: General.

1. The minimum number of parking spaces as required in the specific applicable zone district or specified in this DIVISION shall be provided and continuously maintained in conjunction with any use or development.
2. For all development (other than single-family residential) which is subject to the requirements of a development plan, the Planning Commission shall determine if there is a need to provide for bicycle parking. If such a need exists, the Planning Commission shall then determine the required number of parking spaces, bike racks, and locking devices that shall be provided.
3. For additions to existing developments, the increased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of all existing and proposed buildings or structures on the property.
4. For the purposes of this section, gross floor area shall be the measure of square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.
5. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. In order to encourage efficient use of commercial parking space and good design practices, the total parking requirement for mixed uses or Conjunctive Uses

shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the Peak Parking Period. *(Amended by Ord. 4086, 12/15/92)*

6. Where the parking requirement for a use is not specifically defined in the applicable zone district or this DIVISION, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified herein.
7. Modifications to the parking requirements may be granted, pursuant to Section 35-142.7 (Second Residential Units), Section 35-144C.4 (Density Bonus for Affordable Housing Projects), Section 35-172.12 (Conditional Use Permits), Section 35-174.8 (Development Plans), or Section 35-179 (Modifications). *(Added by Ord. 4227, 6/18/96)*

Sec. 35-108. Required Number of Spaces: Residential.

Parking spaces to be permanently maintained on the same building site on which the dwelling(s) is located, except as provided in section 35-76, Medium Density Student Residential, and 35-77, High Density Student Residential:

1. Single family and two family dwellings: Two spaces per dwelling unit.
2. Multiple Dwelling Units:
 - a. Single bedroom or studio dwelling unit: One covered space per dwelling unit.
 - b. Two bedroom dwelling: One covered space plus 0.5 spaces covered or uncovered per dwelling unit. Such spaces shall be located within 200 feet from the building served by such spaces.
 - c. Three or more bedroom dwellings: One covered space plus one space covered or uncovered per dwelling unit, located as required in b), above.
 - d. Developments located within a radius of one mile of the boundaries of a college or university shall provide a minimum of two parking spaces per dwelling unit, of which one shall be covered.
 - e. Visitor parking: One space per five dwelling units.
3. Guest houses: One space per guest house.
4. Mobile homes in mobile home parks: One covered space per site and one space for every three sites for guest parking.
5. Fraternities, sororities, dormitories, and boarding and lodging houses: One space per four bed spaces and one space per two employees.
6. Retirement and special care homes: One space per guest and one space per two employees.

Sec. 35-109. Required Number of Spaces: Miscellaneous Non-Residential.

1. Churches, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly:
 - a. With fixed seats: One space per four fixed seats.
 - b. Without fixed seats: One space per 30 square feet of auditorium floor space.
2. Places of amusement without fixed seats such as dancehalls, skating rinks, etc.: One space per 300 square feet of assembly area

3. Schools:
 - a. Day school or Nursery school: One space for each two employees and one space for each 10 students.
 - b. Elementary and Junior High: 1.5 spaces for each teaching station.
 - c. High School: Six spaces for each teaching station.
 - d. Colleges; art, craft, music or dancing schools; business, professional, or trade school: One space for each three employees and one space for each five students.
4. Library, museum, art gallery, or similar use: One space for each two employees.

Sec. 35-110. Required Number of Spaces: Commercial.

1. Hotels/motels: One space per guest room and one space per five employees.
2. Restaurants, cafes, taverns, etc: One space per 300 square feet of space devoted to patrons and one space per two employees.
3. Business and professional offices, such as banks, lawyers' offices, etc.: One space per 300 square feet of gross floor area.
4. Retail business and general commercial: One space per 500 square feet of gross floor area.
5. Furniture and appliance stores; heating, ventilating, and hardware stores; motor vehicle and machinery sales and service: One space per 1,000 square feet of gross floor area.
6. Hospitals: One space per two beds and one space per three employees.
7. Convalescent hospitals, sanitariums and rest homes: One space per three beds and one space per three employees.
8. Medical clinics, medical and dental offices: One space per 200 square feet of gross floor area.

Sec. 35-111. Required Number of Spaces: Industrial.

1. Research and development, manufacturing, and processing: One space per 1.5 employees, but in no case less than one space per 500 square feet of gross floor area.
2. Wholesaling, warehousing, and storage facility: One space per 1,000 square feet of gross floor area and one space per four employees.
3. Other industrial uses: One space per four employees.

Sec. 35-112. Required Number of Spaces: Recreational Facilities.

1. Tennis facility: 1.5 spaces per court.
2. Racquetball facility: 1.5 spaces per court.
3. Spectator seating: One space per five seats or one space per 35 square feet of seating area.
4. Facilities such as spas, health facilities, and gyms: One space per 300 square feet of gross floor area.
5. Public swimming pool: One space per 25 square feet of pool area.

Sec. 35-113. Required Number of Spaces: Agriculture.

Commercial greenhouses, hothouses, or other plant protection structure: Two spaces per acre of land in such use.

Sec. 35-114. Size, Location, and Design.

1. **Size:** *(Amended by Ord. 4067, 8/18/92)*

- a. Residential parking spaces shall be 8.5 feet wide by 16.5 feet long.
- b. Non-residential parking spaces shall be nine feet wide by 16.5 feet long.
- c. Compact car spaces: 30 percent of the required parking for non-residential uses may be provided as compact car spaces. Compact car spaces shall have a size of eight by 14.5 feet.

2. **Location:**

- a. Offstreet parking spaces shall not be located in the required front or side yard setback area unless specifically permitted in the applicable zone district regulations. Provisions shall be made for direct access from the street to each parking space. Such access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
- b. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located, unless specifically permitted in the applicable zone district regulations.
- c. For non-residential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is no main building, as measured along streets not alleys.

3. **Construction and Design:**

- a. All parking areas shall be graded and drainage provided so as to dispose of all surface water without erosion, flooding, and other inconveniences or hazards.
- b. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
- c. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall. *(Amended by Ord. 4067, 8/18/92)*
- d. Except for residential uses within the 20-R-1 through 7-R-1, and 20-R-2 through 7-R-2 zone districts, parking areas shall be so designed that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space. *(Amended by Ord. 3843, 3/20/90)*
- e. The design of parking areas shall not require the moving of any car to gain access to a required parking space unless the applicable zone district regulations specifically permit tandem parking.
- f. All parking areas serving uses operating at night shall be adequately lighted. Such lighting shall be so arranged as to direct the light away from adjoining residences.

- g. The design of parking spaces and the maneuvering space in connection therewith shall be in accordance with the requirements illustrated in the Parking Diagram, Figures 1, 2 and 3, and the Parking Table.

Sec. 35-115. Landscape/Screening of Parking Areas.

Parking area includes the parking spaces and the maneuvering space necessary for use of such spaces.

1. Where non-residential parking areas abut residentially zoned or developed property a wall or solid fence of not less than five feet in height shall be erected and maintained between the parking area and the adjoining residentially zoned or developed property. *(Amended by Ord. 4067, 8/18/92)*
2. Where trees already exist on the property, the design of the parking area should make the best use of this growth and shade.
3. Screening shall be provided along each property line consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Such fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the Planning and Development Department if adjacent property already has provided a solid wall not less than four feet high. *(Amended by Ord. 3842, 3/20/90)*
4. When the total uncovered parking area on the property (including adjoining parcels over which the property has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this section, as part of a landscape plan:
 - a. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for such trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 - b. All kinds of parking lanes shall have landscaped islands.
 - c. Prior to the issuance of a Coastal Development Permit, performance securities, in amounts to be determined by the Planning and Development Department, to guarantee the installation of plantings, walls, and fences in accordance with the approved plan, and adequate maintenance of the planting for the designated time period shall be filed with the County. The performance security for installation will be released at the end of the designated time period provided the planting has been adequately maintained. *(Amended by Ord. 3842, 3/20/90)*

Sec. 35-116. Off-Street Loading Facilities.

1. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of materials and merchandise, off-street loading spaces shall be provided as follows:
 - a. Commercial Uses:
3,000 or more square feet gross floor area: One loading space.
 - b. Industrial Uses:

10,000 to 24,999 square feet gross floor area: One loading space.

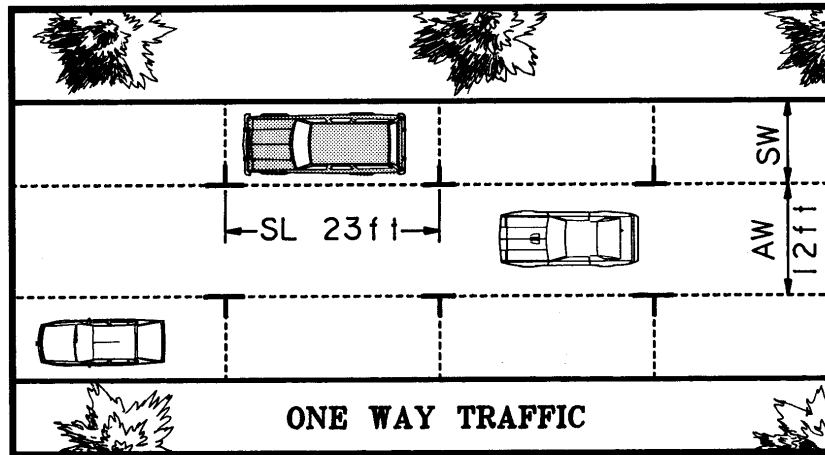
25,000 to 49,000 square feet gross floor area: Two loading spaces.

For each additional 50,000 square feet or major fraction thereof: One loading space.

2. Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.
3. Such space may not be located in any part of any required front or side yard.
4. Such space shall be so designed that it will not interfere with vehicular circulation or parking nor with pedestrian circulation.

Sec. 35-117. Driveways.

1. **Width, Number, and Location.** Unless otherwise provided in the specific, applicable zone districts, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be as prescribed by Resolution No. 76-428 on Road Standards of the County Board of Supervisors or any subsequent resolution of the said Board regulating road standards.
2. **Driveway to Side or Rear Parking Areas.** A driveway used for access to a parking area at the side or rear of a building shall not be less than 10 feet wide in clear distance between any obstruction to vehicular traffic.
3. **Special Requirements.** Upon recommendation of the Public Works Department or the Director or upon their own initiative when considering any project, the Planning Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Commission determines that such special requirements either reduce or do not create traffic hazards or street parking problems. Such special requirements shall be final subject to appeal in compliance with Section 35-182 (Appeals). *(Amended by Ord. 4595, 3/5/08)*



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

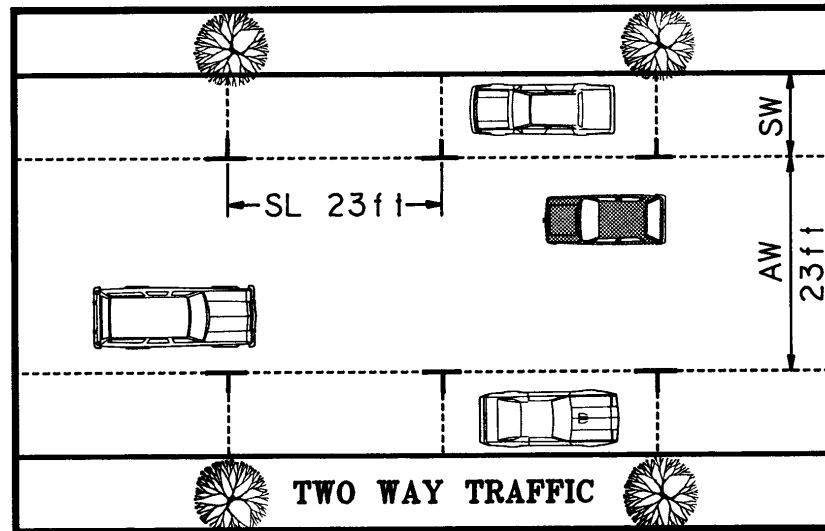


FIGURE 6-1
PARALLEL PARKING DIAGRAM

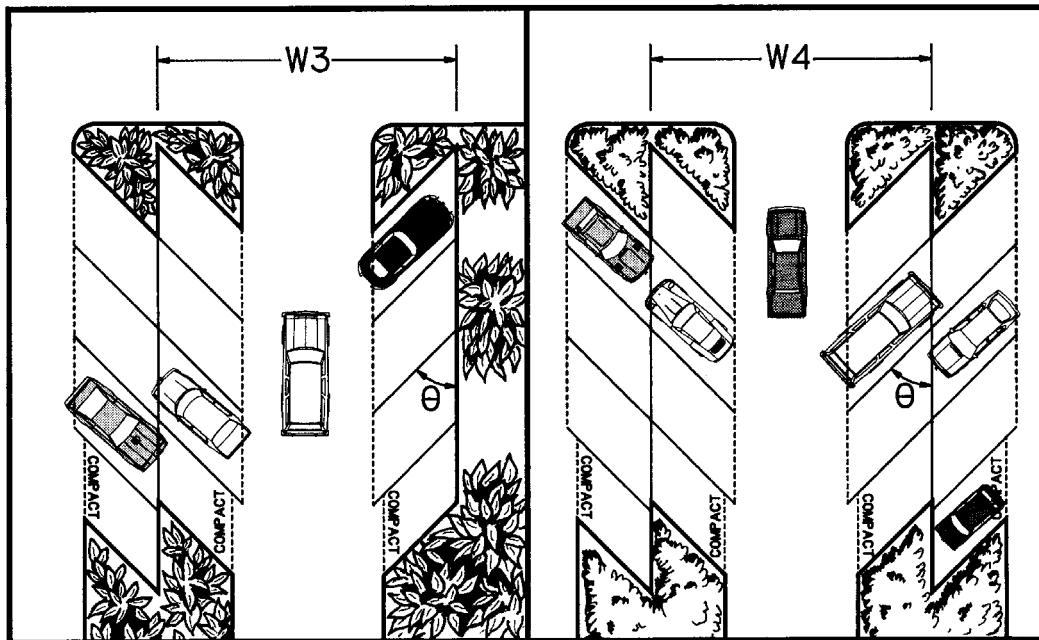


FIGURE 6-2 (continued)
ANGLE PARKING ONE WAY TRAFFIC DIAGRAM

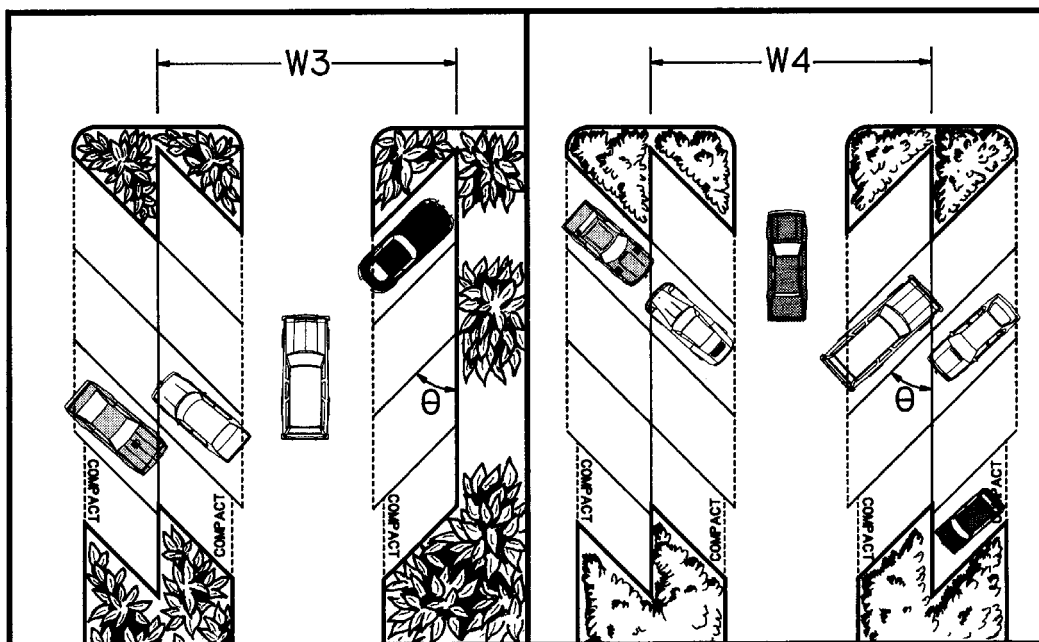


FIGURE 6-2 (continued)
ANGLE PARKING ONE WAY TRAFFIC DIAGRAM

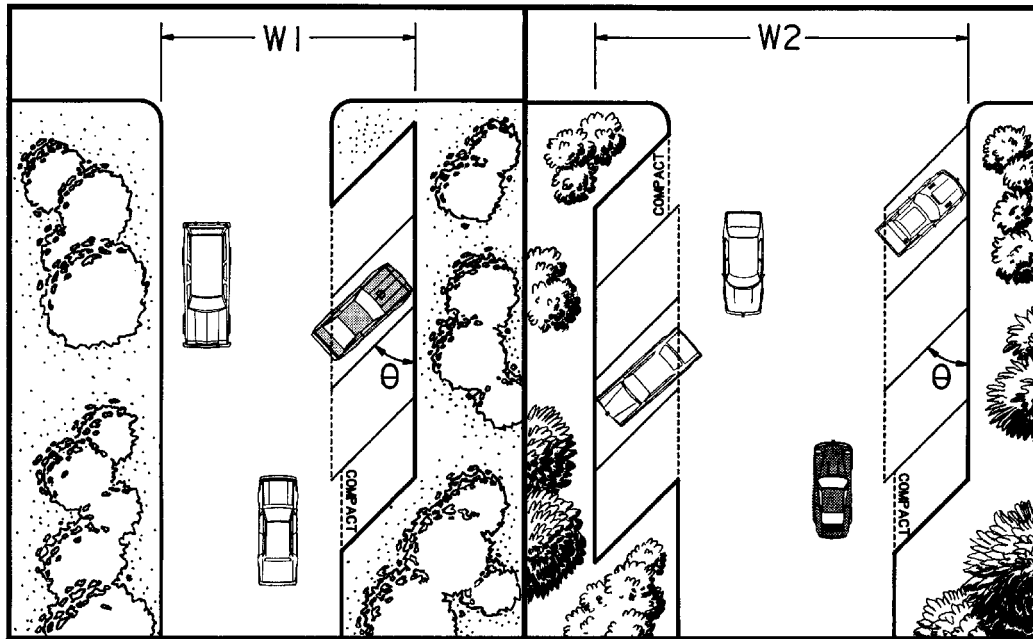


FIGURE 6-3
ANGLE PARKING TWO WAY TRAFFIC DIAGRAM

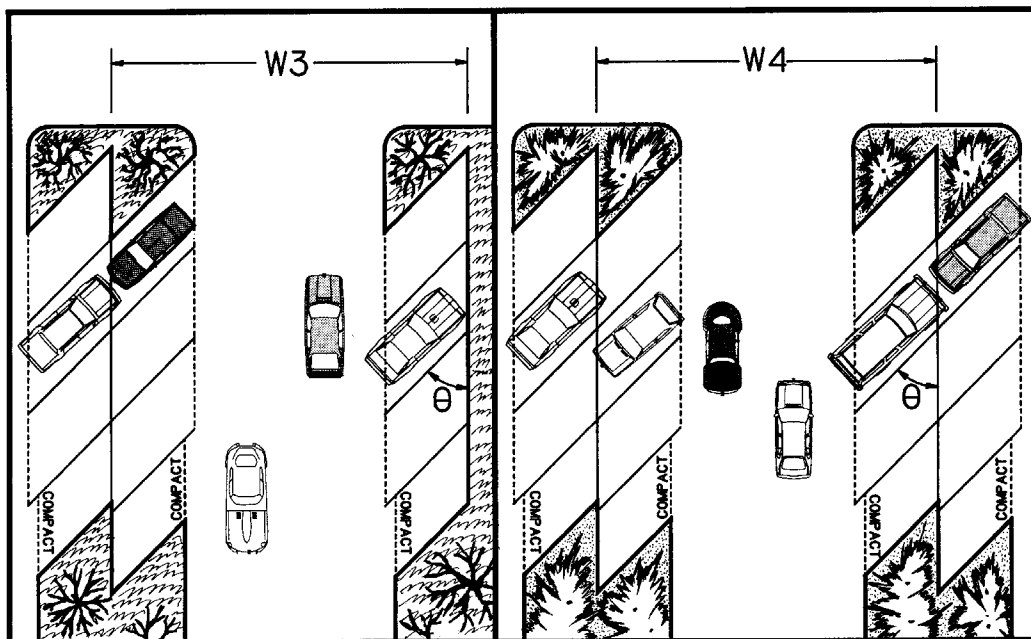


FIGURE 6-3 (continued)
ANGLE PARKING TWO WAY TRAFFIC DIAGRAM

TABLE 6-1 PARKING DIMENSIONS (All Dimensions in Feet)**ONE-WAY TRAFFIC**

Angle	W1			W2			W3			W4		
–	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30°	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35°	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40°	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45°	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50°	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55°	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60°	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65°	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70°	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75°	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80°	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85°	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90°	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

TWO-WAY TRAFFIC

Angle	W1			W2			W3			W4		
–	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30°	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35°	33.0	34.0	34.0	46.0	49.0	49.0	44.0	46.0	46.5	41.5	43.5	43.5
40°	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45°	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50°	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.0	49.0	49.0
55°	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60°	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65°	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70°	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75°	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80°	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85°	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90°	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above tables.

DIVISION 7 GENERAL REGULATIONS

Sec. 35-118. Purpose and Intent.

The purpose of this DIVISION is to establish distinct performance and development regulations for certain activities, uses, and structures that are of such a special nature that additional or modified regulations are desired. These regulations are applicable in all zones and overlay zones notwithstanding the regulations of the applicable zone or overlay zone district. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-118.1 Conformance to Regulations. *(Added by Ord. 3595, 10/6/86)*

Except as permitted as a nonconforming use, building or structure:

1. **Use Restrictions.** No building or structure shall be hereafter erected, constructed, altered, enlarged, moved, or maintained, nor shall any building or land be used, designed or intended to be used for any purpose other than those which are permitted in the type of zone in which such building or land is located, and then only after applying for and securing all permits and licenses required by law and this Article, which authorizes such building, structure or use.
2. **Height Restrictions.** No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained to exceed the height limit established for the type of zone in which such building or structure is located, unless a variance has been granted except as otherwise permitted in Section 35-127, Section 35-172.12, Section 35-174.8, and Section 35-179, and is in effect which authorizes such construction. *(Amended by Ord. 4263, 6/24/97)*
3. **Area Conformance Restrictions.** No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained, except in conformity with the area regulations of the zone in which it is located and any specific yard setback regulations and lot coverage limitations that may apply, unless a Variance or Modification has been granted and is in effect which authorizes such construction. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-119. Accessory Structures.

1. All accessory structures, including agricultural accessory structures, shall conform to criteria set forth in this section and as defined by ordinance except that mobile home site accessory structures within a Mobile Home Park shall instead be regulated by the MHP District provisions (Section 35-91). *(Amended by Ord. 3844, 3/20/90; Ord. 4086, 12/15/92)*
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. *(Amended by Ord. 4557, 12/7/04)*
3. An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, setback, and height requirements applicable to the principal structure. *(Amended by Ord. 4557, 12/7/04)*
4. Accessory structures shall conform to the height requirements and the 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 10 feet to the principal structure and that it occupies no more than 40 percent of the required rear yard, and that it does not

exceed a height of 12 feet. *(Amended by Ord. 4557, 12/7/04)*

5. No accessory structure on a corner lot having a width of less than 100 feet shall be located closer to the front line of the lot than the principal building on that lot, nor within any side or front setback *(Amended by Ord. 4557, 12/7/04).*
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. *(Amended by Ord. 4298, 3/24/98)*
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, toilets and wash basins may be allowed, however no bathing facilities or wetbars shall be allowed. *(Amended by Ord. 4557, 12/7/04)*
8. No cooking facilities shall be allowed in accessory structures.
9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabanas, 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 staircase, 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 of the Director that may be appealed in compliance with Section 35-182 (Appeals). 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 Section 35-185 (Administration - Enforcement, Legal Procedures and Penalties) as appropriate. *(Amended by Ord. 4298, 3/24/98, Ord. 4557, 12/7/04, Ord. 4595, 3/5/08)*
10. On lots of one acre or less, the gross floor area of an accessory structure shall not exceed 800 square feet, excluding garages, barns and stables.
11. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*

Sec. 35-120. Guest House, Artist Studio, or Pool House/Cabaña *(Amended by Ord. 3845 3/20/90; Ord. 4169, 10/11/94; Ord. 4196, 5/16/95; Ord. 4298, 3/24/98; and Ord. 4557, 12/7/04)*

1. Accessory structures used as guest houses, artist studios, or cabañas 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 gross acre.

3. There shall not be more than one guest house or artist studio on any lot. There shall be not more than one cabaña on any lot.
4. The floor area of such guest house, artist studio, or pool house/cabana 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, 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. 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 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 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 feet in depth. The seven 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. An artist studio may contain a restroom, however bathing facilities are not permitted.
8. Guest houses, artist studios, or cabañas 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 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 120 days in any 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 shall 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 construction of the proposed pool or sport court is completed prior to or simultaneously with completion of the 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, a guest house or artist studio may not also be approved (see also Section 35-142.6.i).

15. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels 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.

Sec. 35-121. Home Occupations. *(Amended by Ord. 3598, 10/6/86; and Ord. 4557, 12/7/04)*

Sec. 35-121.1 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 Section 35-121.5, prior to the commencement of any type of occupation in a home or an artist studio, a Coastal Development Permit for a home occupation shall be issued by the Planning and Development Department.
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 Section 35-121.4 and any other conditions as may be made part of the Coastal Development Permit.

Sec. 35-121.4 Development Standards.

A home occupation shall comply with the following development standards:

1. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling not including garages or entirely within an artist studio. 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 internal or external alterations to the dwelling that are not customarily found in such structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling unit.
3. The home occupation shall be conducted solely by the occupant(s) of a dwelling 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 lot that contains the home occupation. 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 signs naming or advertising the home occupation shall be permitted on or off the 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 customers, patients, clients, students, or other persons served by said home occupation upon the 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 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 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, 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 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 Permit.
 16. Occupations that cannot comply with all of the development standards listed in Section 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. 35-121.5. Exception to Permit Requirement for Home Occupation.

No Coastal Development Permit for a home occupation 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. Development standards 1-4 and 6-15 under Section 35-121.4.
2. No clients or customers shall be served at the lot that contains the home occupation.
3. No business advertisements, except for business cards and letterhead, may list the address of the home occupation.
4. All business transactions occurring on the lot that contains the home occupation shall occur by telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

Sec. 35-121.6. Violations of Home Occupation Regulations.

1. 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 prior to the issuance of a Coastal Development Permit allowing said home occupation.
2. It shall be unlawful for any person to conduct a home occupation for which a Coastal Development Permit has been issued without complying with all conditions attached to such permit.

Sec. 35-122. Swimming Pools and Spas

1. Swimming pools, spas, and appurtenant structures shall be classified as accessory uses.
2. A swimming pool, spa, or any appurtenant structures shall not be located in the required front or side yard setback area and shall not be closer than five feet to any other property line.

Sec. 35-123. Fences, Walls and Gate Posts. *(Amended by Ord. 4557, 12/7/04)*

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 Section 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 Section 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 gates six feet or less in height; gateposts eight feet or less in height.*	May be required pursuant to Section 35-169.2.1.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 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b	Fences, walls and gates greater than eight feet in height; gateposts greater than 10 feet in height.

GENERAL REGULATIONS - Fences, Walls and Gate Posts

Location of Fence, Wall, Gate or Gatepost	Permit Requirement		
	Exempt	Coastal Development Permit	Minor Conditional Use Permit
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.*	May be required pursuant to Section 35-169.2.1.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 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b	Fences, walls and gates greater than eight feet in height; gateposts greater than 10 feet in height.
Outside of setback areas	Fences, walls and gates eight feet or less in height; gateposts 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are greater than eight feet in height; gateposts greater than 10 feet in height.	Not applicable.

* Fences, walls, gates and gateposts shall be exempt (pursuant to Section 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 feet of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

- 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 Section 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 Section 35- 100 (F - Airport Approach Overlay).

Location of Fence, Wall or Gatepost	Permit Requirement		
	Exempt	Coastal Development Permit	Minor Conditional Use Permit
Front setback area.	Fences, walls and gates six feet or less in height; gateposts eight feet or less in height.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are 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 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are greater than eight feet in height; gateposts greater than 10 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.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are	Not applicable.

GENERAL REGULATIONS - Vision Clearance Area/General Setback Regulations

Location of Fence, Wall or Gatepost	Permit Requirement		
	Exempt	Coastal Development Permit	Minor Conditional Use Permit
		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 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are greater than eight feet in height; gateposts greater than 10 feet in height.	Not applicable.
Outside of setback areas	Fences, walls and gates eight feet or less in height; gateposts 10 feet or less in height.*	May be required pursuant to Section 35-169.2.1.b or if fences, walls and gates are greater than eight feet in height; gateposts greater than 10 feet in height.	Not applicable.

* Fences, walls, gates and gateposts shall be exempt (pursuant to Section 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 feet of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

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.

Sec. 35-124. Vision Clearance Area. *(Amended by Ord. 4557, 12/7/04)*

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.

Sec. 35-125. General Setback Regulations. *(Amended by Ord. 4557, 12/7/04)*

1. Where a setback line is called for or shown on a recorded final or parcel map or on a Final

Development Plan the required setback shall be the setback line shown on the final or parcel map or Final Development Plan.

2. In computing the depth of a rear setback or the width of a side setback, if such setback abuts upon an alley, and the lot owner 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 or side 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. Every part of a setback, except for mobile home site setbacks subject to the provisions of Section 35-91 (Mobile Home Park), shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and as provided below:
 - a. The ordinary projection of sills, buttresses, cornices, chimneys, eaves, and ornamental features may extend into a setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
 - b. Fire escapes, balconies, and unroofed and unenclosed porches, or landings may extend four feet into a front or rear setback, and three feet into a side setback, when constructed and located in a manner that shall not obstruct light or ventilation of buildings or the ready use of said setbacks for ingress or egress.
 - c. Trellises and patio covers that are attached to a dwelling, not including mobile homes subject to provisions set forth in Section 35-91 (Mobile Home Park), may be located within the rear setback when no closer than 15 feet to the rear property line, or no closer than 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 Section 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 30 inches; provided that all such encroachments shall be at least eight feet above any area used by pedestrians, and at least 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.
6. Where the elevation of the ground at a point 50 feet from the centerline of any street is seven 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 40 percent and the front setback for a dwelling may be decreased by 20 percent provided the front face of such garage is located a minimum of 10 feet from the abutting street right-of-way.

Sec. 35-126. Through, Corner, Interior, and Odd Shaped Lots. *(Amended by Ord. 4557, 12/7/04)*

1. **Through Lots.** The side setbacks shall extend the full depth of the lot between the front setbacks and there shall be two front setbacks.
2. **Corner Lots Abutting Two or More Streets.**
 - a. If a corner lot is less than 100 feet in width, the front 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 setback be less than 10 feet.
 - b. If a corner lot is 100 feet or greater in width, there shall be a front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone district.
 - c. The rear setback for a corner lot backing upon a key lot may be reduced to the size of the required side setback for the key lot or 10 feet, whichever is greater, provided the total front, side, and rear 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 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 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 the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.
5. The rear setback of a triangular lot shall be measured from a line at least 10 feet long lying entirely within the lot, parallel or most nearly parallel to and most distant from the front line of said lot.

Sec. 35-127. Height. *(Amended by Ord. 4581, 6/14/07)*

- A. The following shall apply to structures located outside the Summerland Planning Area.
 1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Section 35-127.A.2. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. **Exceptions.** The following structures may exceed the applicable height limit subject to compliance with the F Airport Approach Overlay District.
 - 1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
 - 2) Portions of a structure may exceed the height limit applicable to the subject structure by no more than three feet where the roof exhibits a pitch of 4 in 12 (rise to run) or greater.
 - 3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
 - 4) Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs or to operate the La Goleta gas storage reservoir (located on APN 071-210-001, as of June 30, 2006) may exceed the applicable height limit for a period of four years or less, provided the temporary use is completed in a diligent manner. Upon written request by the operator, the Director may grant up to two one-year extensions, provided that the operator is diligent in completing an established drilling program.
 - 5) Workover/pulling rigs necessary to service oil/gas and injection wells, or to

operate the La Goleta gas storage reservoir (located on APN 071-210-001, as of June 30, 2006) may exceed the applicable height limit, provided that the use of these rigs is completed in a diligent manner.

- 6) Amine columns, distillation columns, stripper columns, and flare stacks associated with oil and gas production, gas processing, or oil/gas transportation, as allowed in compliance with Division 9 of this Article, may exceed the applicable height limit where compliance would render such facilities technically infeasible.

2. Measurement from finished grade.

- a. **Montecito Planning Area.** For structures located within the Montecito Planning Area that are not subject to Section 35-144 (Ridgeline and Hillside Development Guidelines), the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.
 - b. **View Corridor (VC) Overlay District.** For structures located within the View Corridor (VC) Overlay District, the height of a structure shall be the vertical distance between the average finished grade and the uppermost point of the structure directly above that grade as described in Section 35-96.
3. In addition to the height limit applicable to a structure as described in Section 35-127.A.1, a structure subject to the Ridgeline/Hillside Development Guidelines shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower. Except for structures located within the Montecito Planning Area, this 32 foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater.
- B. The following shall apply to structures located within the Summerland Planning Area.
1. The height of a structure shall be the vertical distance between the average finished grade of the lot covered by the building 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. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. **Exceptions.**
 - 1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC, View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
- C. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar

structure) used for the commercial reception and transmission of communication signals (e.g., radio, television, and wireless) or with amateur radio stations may be up to 50 feet in height. These facilities may exceed 50 feet up to a maximum of 75 feet in height where technical requirements dictate. Amateur radio antennas may exceed 75 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 75 in height feet if:

1. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.

Sec. 35-128. Area of Lots. *(Amended by Ord. 4266, 6/24/97)*

1. The lot area or building site area of a lot shall be as defined under Section 35-58 (Definitions), provided, however, that:
 - a. In any zone district in which portions of street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of that portion of the lot lying within a street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any district, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot or parcel shall be excluded.
2. For the purpose of computing the lot area or building site area of any lot, the boundaries of such lot shall be the boundaries established by the latest recorded deed, parcel map, subdivision map, etc., provided that such recorded document does not create or attempt to create a lot in violation of the provisions of any applicable California or County law or ordinance.
3. Two or more legal lots, each having insufficient area to meet lot area requirements, may be combined or re-subdivided provided:
 - a. All other regulations of this Article are complied with.
 - b. The combined or re-subdivided lots are as large or larger than the original lots.
 - c. The minimum area of each such lot is 7,000 square feet.
4. Lots or groups of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to such lots, and containing less area than the required lot or building site area of the district in which they are located may be used as building sites for not more than two dwellings per lot, provided:
 - a. Such lots or groups of lots were legally created prior to the effective date of any County zoning regulations applicable to such lots.
 - b. Such lots or groups of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion thereof lying within a street right-of-way

may not be used for more than one dwelling per lot, except within the SUM Overlay District where the minimum lot size for a duplex in any instance is 10,000 square feet. (*Amended by Ord. 4034, 5/19/92*)

- c. All other regulations of this Article are complied with.

Sec. 35-129. Width of Lots.

For the purpose of computing the width of a lot having side lines which are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

Sec. 35-130. Subdivision of Land.

1. In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the recorded subdivision or parcel map.
2. As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.

Sec. 35-131. Agricultural Sales. (*Amended by Ord. 4557, 12/7/04*)

Sec. 35-131.1. Purpose and Intent.

The purpose of this section is to provide for commercial facilities for the retail sale of agricultural commodities on property that is zoned to allow for agricultural activities and to establish specific permit requirements and development standards for such facilities. The intent is to promote the orderly development of such agricultural sales within Santa Barbara County and ensure their compatibility with surrounding land uses in order to protect the public health and safety and natural and visual resources.

Sec. 35-131.2. Applicability.

This section shall apply to all lots where the primary use of the lot is agriculture and the lot is located in a zoning district specified in the following section.

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 feet of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways; and (4) provided the activity is conducted in compliance with the development standards specified by Section 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.
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 Section 35-174 and the issuance of a Coastal Development Permit pursuant to Section 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 Section 35-172 and the issuance of a Coastal Development Permit pursuant to Section 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 permeable or semi-permeable surface material that shall include at a minimum: ungrouted brick or other masonry paving units 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.
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 Coastal Development 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 Section 35-131.3.2 shall be provided pursuant to Section 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.

Sec. 35-132. *Trailer Use.* *(Amended by Ord. 4557, 12/7/04)*

Sec. 35-132.1 *Limitation on Use.*

Trailers shall only be used as expressly permitted in this Section 35-132, Section 35-91 (Mobile Home Park), Section 35-172 (Conditional Use Permits) and in the provisions of the individual zone districts allowing mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*).

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 such converted trailers may be located on any one building site without the requirement of a Coastal Development Permit.
 - b. 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 Section 35-172 and the issuance of a Coastal Development Permit under Section 35-169 provided that the Zoning Administrator also finds, in addition to the findings required under Section 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 Section 35-169,

provided:

1. Building permits have been issued for the buildings.
2. Only one such trailer shall be permitted on a site; and,
3. The trailer shall be promptly removed upon completion of construction or within one 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 years subject to the approval of a Minor Conditional Use Permit under Section 35-172 and the issuance of a Coastal Development Permit under Section 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.

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 Section 35-169, for a period of one year or until 30 days after the final building permit inspection has been completed by the County Building Official or designee, or the building is occupied, whichever is earlier, 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 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 a Coastal Development Permit issued pursuant to this section may only be granted as a Minor Conditional Use Permit pursuant to Section 35-172 (Conditional Use Permits).

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

Trailers may be used for the following purposes in all zone districts subject to the approval of a Minor Conditional Use Permit under Section 35-172 and a Coastal Development Permit under Section 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 an existing building 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 years. The Conditional Use Permit may be renewed for additional two year periods under the provisions of Section 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 Permit and any renewals for the site exceed a maximum of six years unless a finding 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 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. 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 decision-maker with jurisdiction over the project provided that the following findings are made in addition to the findings required under Section 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.

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

In any agricultural zoning district, trailers may be permitted to be used 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 Section 35-132.7.2 or Section 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 30 days or less without the requirement of a Coastal Development Permit.
2. For more than 30 but no more than one year pursuant to the issuance of a Coastal Development Permit under Section 35-169.
3. For over one year pursuant to the approval of a Minor Conditional Use Permit under Section 35-172 and the issuance of a Coastal Development Permit under Section 35-169.

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

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 Section 35-172 and the issuance of a Coastal Development Permit under Section 35-169 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 additional dwellings to support such use.
4. The permittee provides proof of the full-time 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. Minor Conditional Use Permit and Coastal Development Permit approved or issued pursuant to this section shall contain a condition that requires that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.

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

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

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

If an occupied dwelling is destroyed by fire, flood, earthquake, arson, vandalism or other calamity beyond the control of the property owner, a temporary Coastal Development Permit may be issued for a 180-day period for emergency use of a trailer for a dwelling provided no trailer is illegally located on the lot.

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 Section 35-133.

Sec. 35-133. Carnivals, Circuses, etc.

A temporary Coastal Development Permit may be approved by the Director of his duly authorized representative for carnivals, circuses, and similar activities, including, but not limited to, art and craft fairs, outdoor shooting galleries, menageries, merry-go-rounds, Ferris wheels, shooting matches, turkey shoots, tent shows, trained animal shows, amusement parlors, penny arcades, prizefights, and wrestling matches, in any commercial or industrial district but in no other districts, upon written application and provided: 1) they do not continue for more than five (5) consecutive days, 2) that the Director inspects and approves the proposed site of the carnival or circus or other such activity, and 3) that the applicant 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. No permit shall be issued until the Supervisor of the Supervisorial District in which the use is proposed, or his designated representative, has been notified of the application. The Director shall have the right to impose reasonable conditions upon the operation of a carnival, circus, or other such activity in order to protect and preserve the public health, safety, or welfare.

Sec. 35-134. Lot Line Adjustments. *(Added by Ord. 4406, 9/12/00)*

This section establishes the standards for the approval for a Lot Line Adjustment in the County consistent with this Article and Comprehensive Plan, and Chapter 21 of the County Code pursuant to the State Subdivision Map Act, Section 66412. The provisions of this Section 35-134 and the procedures and requirements contained in County Code Chapter 21, Subdivision Ordinance, shall apply to all applications for Lot Line Adjustments undertaken in the unincorporated area of the County of Santa Barbara. A Lot Line Adjustment is development under the Santa Barbara County Local Program and the Coastal Act. A Lot Line Adjustment application shall only be approved provided the following Findings are made:

- A. A Lot Line Adjustment application shall only be approved provided the following findings are made:
 - 1. The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.
 - 2. No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.
 - 3. Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with Subsection a. or b. listed below:
 - a. The Lot Line Adjustment satisfies all of the following requirements:
 - (1) Four or fewer existing parcels are involved in the adjustment; and,
 - (2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,
 - (3) The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single family dwelling constructed pursuant to a valid County permit.

Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:

- (a) **Water Supply.** The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well

requirements of the County Environmental Health Services.

- (b) **Sewage Disposal.** The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.
- (c) **Access.** The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- (d) **Slope Stability.** Development of the parcel including infrastructure avoids slopes of 30 percent and greater.
- (e) **Agriculture Viability.** Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.
- (f) **Environmental Sensitive Habitat.** Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.
- (g) **Hazards.** Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.
- (h) **Consistency with the Comprehensive Plan and zoning ordinances.** Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

To provide notification to existing and subsequent property owners when a finding is made that the parcel(s) is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the parcel, pursuant to Section 21-92 Procedures. (Note: Section 21-92 is located in Chapter 21 of the Santa Barbara County Code.)

b. ***(This subsection expired on July 10, 2006)***

- 4. The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.
- 5. The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Article II (Sections 35-161 and 35-162).

6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.
- B. A Lot Line Adjustment proposed on agricultural zoned parcels which are under Agricultural Preserve Contract pursuant to the County Agricultural Preserve Program Uniform Rules shall only be approved provided the following findings are made:
 1. The Lot Line Adjustment shall comply with all the findings for Lot Line Adjustments in Section 35-134.A.
 2. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
 3. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 4. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 5. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
 6. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 7. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 8. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

Sec. 35-135. Parking Lot Sales.

In any C-2, C-3, or SC zone district, the operator of an existing retail store, shop, or establishment may apply for either a Coastal Development Permit under Section 35-169 and a Minor Conditional Use Permit, under Section 35-172 or merely a Coastal Development Permit for a parking lot sale. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year exceeds four days, a Minor Conditional Use Permit shall be required prior to the issuance of a Coastal Development Permit. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year does not exceed four days, the application shall be made to the Director for a Coastal Development Permit. The Director shall not issue the permit unless the Director finds that the proposed sale will not be detrimental to the public health, safety, and welfare and the adequate on-premise pedestrian access and parking will exist during the proposed sale. The Director may impose any reasonable conditions in the permit necessary to protect and preserve the public health, safety, and welfare.

Sec. 35-136. Aquaculture.

1. Aquaculture facilities located in areas designated as rural on the land use plan maps shall

be sited and designed to be compatible with the natural surroundings.

2. To minimize impacts on coastal visual resources, structures shall be well-screened, and depressed below grade when feasible.
3. Intake and outfall lines for ocean water shall be underground unless not feasible for a particular operation, i.e., salmon culture.
4. If above-ground channels or pipes are necessary, adequate provisions for lateral beach access shall be required.

Sec. 35-137. Temporary Uses. *(Amended by Ord. 4557, 12/7/04)*

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 to such temporary uses and developments while preventing any adverse effects to coastal resources and 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 Section 35-169 (Coastal Development Permits) and Section 35-172 (Conditional Use Permits), as applicable.

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. through 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 Permit 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 percent 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 temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
- 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable 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:
 - a) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - 3) **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.
 - 4) **Public assembly facilities.** Events occurring in approved convention centers,

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

- 5) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
 - 6) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.
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 Section 35-169, regardless of whether the development meets all of the criteria in a. through c. of Section 35-137.3.1:
- 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 10 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 Section 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 Section 35-172 and the issuance of a Coastal Development Permit pursuant to Section 35-169, regardless of whether the development meets all of the criteria in a. through c. of Section 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 Section 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 Section 35-137.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the Coastal Development Permit.

Sec. 35-137.4 Development Standards.

Temporary uses permitted under Section 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 minimize 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 Section 35-137.3 shall be provided in accordance with Section 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 Section 35-181 (Noticing).

Sec. 35-137.7 Appeals.

1. A Coastal Development Permit approved pursuant to Section 35-137.3 may be appealed consistent with the provisions of Section 35-182 (Appeals).

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.

Sec. 35-138. Signs and Advertising Structures.

Signs and advertising structures are regulated by Article 1 of this Chapter 35 of the Code of Santa Barbara County and any amendments thereto.

Sec. 35-139. Exterior Lighting. *(Amended by Ord. 4196, 5/16/95)*

All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Additional requirements, identified in

Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.

Sec. 35-140. Tree Removal.

Sec. 35-140.1 Purpose and Intent.

The purpose of this section is to regulate the removal of certain trees within the Coastal Zone. The intent is to preserve healthy trees that are important for the protection of habitat areas and the scenic and visual quality of the County.

Sec. 35-140.2 Applicability.

A Coastal Development Permit under Section 35-169 shall be required for the removal of any tree which is six inches or more in diameter measured four feet above the ground and six feet or more in height and which is 1) located in a County street right-of-way; or 2) located within 50 feet of any major or minor stream except when such trees are removed for agricultural purposes; or 3) oak trees; or 4) used as a habitat by the Monarch Butterflies.

Sec. 35-140.3 Processing.

In addition to the requirements for the issuance of a Coastal Development Permit set forth in Section 35-169, a Coastal Development Permit for the removal of trees shall not be issued unless the Coastal Planner makes one of the following findings:

1. The trees are dead.
2. The trees prevent the construction of a project for which a Coastal Development Permit has been issued and project redesign is not feasible.
3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity, providing a certificate attesting to such fact is filed with the Planning and Development Department by a licensed tree surgeon.
4. The trees are so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

Sec. 35-141. Mobile Homes on Foundation.

Where permitted in the applicable zone district, mobile homes which are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health and Safety Code Section 18551, shall be subject to the following requirements:

1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area; (*Amended by Ord. 4585, 11/22/05*)
2. Roofing and siding shall be non-reflective;
3. Siding shall extend to the ground.

Sec. 35-142. Residential Second Units. (*Amended by Ord. 4517, 8/16/05*)

Sec. 35-142.1 Purpose and Intent.

The purpose of this section is to establish procedures and standards for both attached and

detached residential second units pursuant to Section 65852.2 of the California Government Code. The intent is to encourage a more efficient use of single family, rural residential and agriculture zone districts where, because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for the varying needs of the elderly, affordable income households and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family, rural residential and agricultural areas.

Sec. 35-142.2 Applicability.

Section 35-142 shall apply to the R-1/E-1, EX-1, RR, AG-I-5, AG-I-10, and AG-I-20 zone districts only except that within the Montecito Planning Area Section 35-142 shall only apply to the R-1/E-1 zone district.

Sec. 35-142.3 Submittal Requirements.

1. In addition to the information required under Section 35-169.3 (Coastal Development Permit - Contents of Application), the following information shall also be submitted in conjunction with an application for a residential second unit:
 - a. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 - b. Documentation verifying that the principal dwelling is owner-occupied.
 - c. The proposed method of water supply and sewage disposal for the residential second unit.
2. In addition to the information required under Section 35-172.6 (Conditional Use Permit - Contents of Application), the following information shall also be submitted in conjunction with an application for a detached residential second unit that is proposed on property zoned AG-I:
 - a. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 - b. Documentation verifying that the principal dwelling is owner occupied.
 - c. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.

Sec. 35-142.4 Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, residential second units shall not be permitted in Special Problem Areas designated by the Board of Supervisors except as provided in Sections 35-142.4.2 or 35-142.4.3 below based upon the finding that Special Problem Areas by definition are areas "having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems."
2. Notwithstanding the above, an attached residential second unit may be approved within a designated Special Problems Area where Planning and Development can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.

- b. The owner has submitted an offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
- c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created, it is not a fraction lot, and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that such service is in compliance with the Company's Domestic Water Supply Permit or b) the owner demonstrates that the lot could be served by an on-site or off-site well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.
 - 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
 - 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to recommend denial of development of the site for residential purposes.
- 3. Planning and Development may approve a residential second unit within a designated Special Problems Area where all of the development standards in Section 35-142.6 and applicable provisions and policies of this Article and the Coastal Land Use Plan can be met and the project has been reviewed by the Special Problems Committee.

Sec. 35-142.5 Density/Lot Size.

1. Attached Residential Second Units.

- a. The minimum net lot size on which an attached residential second unit may be located shall be 7,000 square feet, except that for parcels legally created prior to June 2, 1966, the minimum net lot size on which attached residential second units may be located shall be 6,000 square feet.
- b. Except for lots located within the Montecito Planning Area, the maximum residential second unit size shall not exceed the following standards for the specified ranges in lot sizes.

Lot Size (net lot area)	Maximum 2 nd Unit Size (gross floor area)
6,000 - 9,999 sq. ft.	600 sq. ft.
10,000 - 19,999 sq. ft.	800 sq. ft.
20,000 sq. ft. or more	1,200 sq. ft.

- c. For lots located within the Montecito Planning Area, the maximum residential second unit size shall not exceed the following standards for the specified ranges in lot sizes.

Lot Size (net lot area)	Maximum 2nd Unit Size (gross floor area)
6,000 - 9,999 sq. ft.	400 sq. ft.
10,000 - 19,999 sq. ft.	600 sq. ft.
20,000 - 1 acre	800 sq. ft.
Over one acre	1,000 sq. ft.

2. Detached Residential Second Units.

- a. The minimum net lot size on which a detached residential second unit may be located shall be 10,000 square feet except that within the Montecito Planning Area the minimum lot size on which a detached residential second unit may be located shall have a gross lot area of five acres.
- b. Except for lots located in the Montecito Planning Area, the maximum residential second unit size shall not exceed the following standards for the specified ranges in lot sizes.

Lot Size (net lot area)	Maximum 2 nd Unit Size (gross floor area)
10,000 - 9,999 sq. ft.	800 sq. ft.
20,000 or more sq. ft.	1,200 sq. ft.

- c. The maximum size of a detached second unit located within the Montecito Planning Area shall not exceed 1,000 square feet (gross floor area).
3. No more than one attached or detached residential second unit shall be permitted on any one lot. If a residential second unit exists or has current approval on a parcel, a second residential second unit may not also be approved.

Sec. 35-142.6 Development Standards.

The following standards shall apply to all residential second units.

1. Pursuant to Government Code, Section 65852.2(b)(5), the County finds that residential second units are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties with R-1/E-1, EX-1, RR, AG-I-5, AG-I-10, or AG-I-20 zoning designations.
2. Residential second units shall be consistent with the provisions of the applicable zoning district and the policies and development standards of the certified Local Coastal Program.

3. The lot shall contain an existing single family dwelling at the time an application for a residential second unit is submitted or the application for the residential second unit shall be in conjunction with the principal dwelling.
4. The owner of the lot shall reside on said lot, either in the principal structure or in the residential second unit except when a) disability or infirmity require institutionalization of the owner, or b) Planning Director or Director's designee approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Prior to the issuance of a Coastal Development Permit, the owner-occupant shall sign and record an agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall a) if attached, be converted into a portion of the principal dwelling or b) if detached, the residential second unit shall be removed or converted into a legal accessory structure. This requirement for owner-occupancy is not required for consistency with the Coastal Act or Land Use Plan; however, it is included by the County pursuant to state housing law.
5. An attached residential second unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area. The floor area of a garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area as part of the same permit to allow the attached residential second unit.
6. The gross floor area of a residential second unit shall be a minimum of 300 square feet and shall not exceed 1,200 square feet unless the residential second unit is located in the Montecito Planning Area in which case the gross floor area shall not exceed 1,000 square feet. Gross floor area includes only the residential 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.
7. The total gross floor area of all covered structures, including the residential second unit shall not exceed 40 percent of the gross lot area.
8. 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.
9. 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.
10. A residential second unit shall not be permitted on a lot in addition to a) a guest house, b) dwellings other than the principal dwelling determined to be nonconforming as to use, or c) a farm employee dwelling unless the residential second unit is proposed to be located on a lot zoned AG-I. If a residential second unit exists or has been approved on a lot, a guest house or similar structure may not subsequently be approved unless the residential second unit is removed.
11. The residential second unit shall contain its own kitchen and bathroom facilities.
12. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as set forth in the applicable zone district.
13. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the residential second unit and for b) each studio unit. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATIONS. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met. In no case shall the number of additional parking spaces required for a residential second unit be reduced, nor shall any modification be granted to allow parking within the front setback area.
14. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or company. If the principal dwelling is currently served by a water district or an existing water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the residential second unit may be served by a private well or private water company subject to Public Health Department review and approval.
15. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.
16. A residential second unit proposed to be served by an on-site sewage disposal system may

not be permitted in addition to the principle dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. If determined to be particularly favorable the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix G, Development Standards For Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems, must be satisfied. That appendix is hereby incorporated by reference.

17. Upon approval of a residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
18. The residential second unit shall not be sold or financed separately from the principal dwelling.
19. Where there are conflicts between the standards set forth in this Section and those set forth in Section 35-119 (Accessory Structures) and Division 4 Zoning Districts, the provisions of this Section shall prevail.
20. Pursuant to the provisions of ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees prior to approval of the Coastal Development Permit or prior final building permit inspection as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
21. The development of a detached residential second unit in agricultural zone districts shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - a. Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - b. Including buffers from sensitive areas.
 - c. Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.
22. 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.
23. 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.
24. 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.

25. In residential zone districts, all development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.
26. All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35-97.9.
27. Residential second units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
28. Residential second units shall not obstruct public access to and along the coast, or public trails.

Sec. 35-142.7 Findings for Approval.

A Coastal Development Permit application for a residential second unit shall only be approved or conditionally approved if, in addition to the findings required under Section 35-169 (Coastal Development Permits), all of the following findings are made:

1. The proposal conforms to the development standards in Section 35-142.6.

In addition to the findings under DIVISION 10, Section 35-172 (Conditional Use Permits), prior to the approval of a detached residential second units located on a lot zoned AG-I-5, AG-I-10 or AG-I-20, the Zoning Administrator shall make all of the following findings:

1. The detached residential second unit is compatible with the design of the adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood.
2. Provisions for on-site parking are adequate for existing and proposed uses.
3. The detached residential second unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of second units sufficient to change the character of the neighborhood in which it is located.
4. The detached residential second unit does not significantly infringe on the privacy of surrounding residents.

Sec. 35-142.8 Noticing. *(Amended by Ord. 4594, 3/5/08)*

1. Notice of the application and pending decision on a Coastal Development Permits for an attached residential second units, or a detached residential second unit not located in an AG-I zone district, shall be given consistent with Section 35-181 (Noticing) requirements for discretionary decision-maker actions. The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the standards set forth in the certified

Local Coastal Program or does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

2. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing).

Sec. 35-142.9 Appeals *(Amended by Ord. 4595, 3/5/08)*

The decision of the Director to approve or conditionally approve an application for a residential second unit is final subject to appeal in compliance with Section 35-182 (Appeals). The grounds for appeal or an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20). The decision of the Director to deny an application for a residential second unit is final subject to appeal in compliance with Section 35-182 (Appeals). The decision of the Zoning Administrator to approve, conditionally approve or deny an application for a detached residential second unit in agricultural areas is final subject to appeal in compliance with Section 35-182 (Appeals).

All decisions to approve, or conditionally approve, residential second units shall be subject to appeal to the Coastal Commission pursuant to Section 35-182.6.d.

Sec. 35-142.10 Revocation.

As provided in DIVISION 11, Section 35-169.9 (Coastal Development Permits - Revocation) and Section 35-172.10 (Conditional Use Permits - Revocation).

Sec. 35-143. Community Care Facilities. *(Amended by Ord. 4378, 11/16/99)*

Sec. 35-143.1 Small Family Day Care Homes.

Small Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.

Sec. 35-143.2 Large Family Day Care Homes. *(Amended by Ord. 4594, 3/5/08)*

Large Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that prior to the approval of a Coastal Development Permit, the Zoning Administrator shall make the following findings:

1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.
2. The property is located more than 300 feet from any other Large Family Day Care Home and approval will not result in over concentration.
3. The noise level, including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan.

Review of Large Family Day Care Homes pursuant to this Section is exempt from the California Environmental Quality Act. Notice of the application and pending decision shall be given in compliance with Section 35-181 (Noticing). No hearing on the application shall be held unless a hearing is requested by the applicant or other affected person. The action of the Zoning

Administrator is final unless appealed in compliance with Section 35-182 (Appeals).

Sec. 35-143.3 *Special Care Homes* *(Added by Ord. 4378, 11/16/99)*

Special Care Homes that serve 14 or fewer persons shall be considered a Permitted use provided that the home meets all of the following criteria:

1. A single kitchen.
2. Off-street parking is provided pursuant to Section 35-108, and Section 35-114 and the requirement in the applicable zone district.
3. Structural installations necessary to accommodate disabled residents (e.g., ramps, lifts, handrails), pursuant to the Fair Housing Act, shall be allowed notwithstanding the processing requirements of Section 35-316 (Variances) and Section 35-321 (Modifications).
4. The application and the requirements of this Article shall be waived by the Director of Planning and Development, if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

Review of Special Care Home pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Section 35-169.5.

Sec. 35-144. *Ridgeline and Hillside Development Guidelines.* *(Amended by Ord. 4585, 11/22/05)*

Sec. 35-144.1 *Purpose and Intent.*

The purpose of this section is to provide for the visual protection of the County's ridgelines and hillsides by requiring the Board of Architectural Review to review all proposed structures within the areas defined under Section 35-144.2, in terms of the guidelines as outlined in Section 35-144.3. The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines.

Sec. 35-144.2 *Applicability.*

All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to design review in compliance with Section 35-184 (Board of Architectural Review) for conformity with the Development Guidelines contained in Section 35-144.3.

Sec. 35-144.3 *Development Guidelines.*

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

1. **Urban Areas.** The following development guidelines shall apply within Urban Areas as designated on the Local Coastal Program maps:
 - a. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.
 - b. Proposed structures should be in character with adjacent structures.
 - c. Large understories and exposed retaining walls should be minimized.
 - d. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.

- e. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.
- 2. **Rural and Inner Rural Areas.** The following development guidelines shall apply within Rural and Inner-Rural Areas as designated on the Local Coastal Program Maps:
 - a. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
 - b. Building rake and ridge line should conform to or reflect the surrounding terrain.
 - c. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
 - d. Large, visually unbroken and/or exposed retaining walls should be minimized.
 - f. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
 - g. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
 - h. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Sec. 35-144.4 Exemptions.

- 1. The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with Section 35-184 (Board of Architectural Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
 - b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed.
- 2. The Director of Planning and Development may exempt a new structure or an alteration to an existing structure from compliance with these guidelines provided that in his review of the structure he finds that one or more of the following situations applies to the proposed development:
 - a. The proposed site is on or adjacent to a minor topographic variation (e.g., gully), such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.
- 3. The following structures are exempt from these guidelines:
 - a. Windmills and water tanks for agricultural purposes are exempt.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service.

Sec. 35-144A. Local Design Standards.

Local design standards for a particular community, area, or district may be developed as part of or independently of a County-processed Community/Area Plan. Such standards would serve to

provide further guidance in the review of projects for said geographic area, beyond those standards of findings contained in Section 35-184 (Board of Architectural Review) of this Article. The following procedures shall be followed in adopting local design standards:

1. The County Board of Architectural Review shall review proposed local design standards at a draft stage. The Board of Architectural Review shall provide comments on the draft local design standards as to their consistency with the provisions of Section 35-184 (Board of Architectural Review), as well as their overall utility and effectiveness. These comments shall be incorporated into the draft local standards by appropriate County staff or representatives.
2. The Planning Commission shall hold a hearing to review the proposed local design standards and shall transmit its action to the Board of Supervisors in the form of a written recommendation.
3. The Board of Supervisors shall hold a hearing to review and adopt the proposed local design standards. This hearing may be held in conjunction with an overall Community/Area Plan adoption. The manner of adoption of local design standards (e.g., by ordinance, resolution) shall be at the discretion of the Board of Supervisors. Adoption of local design standards shall constitute a directive for the County Board of Architectural Review to utilize said standards in review of projects located in the applicable local community, area, or district. Adoption of local design standards shall not constitute a granting of any formal authority to any local design review board not otherwise granted by appropriate legal mechanism.

Sec. 35-144B. Applications That are Within the Jurisdiction of More Than One Final Decision Maker. *(Amended by Ord. 4227, 6/18/96)*

When two or more applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:

1. Board of Supervisors
2. Planning Commission
3. Zoning Administrator
4. Director

If the Board of Supervisors is the decision-maker on a project, due to a companion discretionary application(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.

Sec. 35-144C. Density Bonus for Affordable Housing Projects. *(Added by Ord. 4169, 10/11/94)*

Sec. 35-144C.1 Purpose and Intent.

The purpose of this Section is to implement Housing Element Policy 1.1 (Density Bonus) and the State mandated density bonus program (Government Code Section 65915-65918 or successor statute(s)) to provide lower income housing units. The intent of the density bonus program is to provide incentives to developers to produce lower income housing units.

Sec. 35-144C.2 Eligibility for Density Bonus Program

A new housing development of five or more dwelling units (excluding any density bonus units) is eligible for the Density Bonus Program and is considered a "qualifying housing development" if it complies with the requirements of this Section and falls within one or more of the subcategories listed pursuant to Government Code Section 65915-65918 or successor statutes.

Density Bonus Projects Pursuant to Government Code Section 65915

1. At least 20 percent of the dwelling units are targeted for sale or rent to low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 20 percent of the total units.
2. At least 10 percent of the dwelling units are targeted for sale or rent to very low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 10 percent of the total units.
3. At least 50 percent of the dwelling units are specifically designed and targeted for sale or rent to persons who are "qualifying residents" or as defined in California Civil Code Section 51.2 and 51.3. The density bonus shall not be included when determining the number of housing units which is equal to 50 percent of the total units.

Section 35-144C.3 Effect of the Density Bonus Program.

When a developer proposes a qualifying housing development within the jurisdiction of the County, the County shall provide one of the two following development incentives:

- a. A density bonus of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use designation, plus at least one additional development incentive identified in Section 35-144C.4. The additional incentive shall not be provided if the County makes the written finding as required by Government Code Section 65915(B)(3).
- b. Other incentives of equivalent financial value based upon the land cost per dwelling unit.

Section 35-144C.4 Development Incentives.

For purposes of this Section, the following development incentives may be allowed provided such incentives shall be found consistent with all applicable policies and provisions of the Local Coastal Program:

1. **Modification of development standards.** A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30 percent, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards.
2. **Mixed use projects.** The County shall financially subsidize a rezone to allow mixed use development in conjunction with the housing project provided that the commercial, office, or other land uses are compatible with the proposed housing project and the existing development in the area.
3. **Additional density bonus.** The approval of a density bonus which is greater than the maximum allowable density and may, when involved with standard density bonus projects, exceed the standard 25 percent density increase. This incentive shall be limited to a maximum density increase of no more than 50 percent above the base zoning density.
4. **Financial subsidy.** The provision of a below market rate loan or other financial assistance by the County or by other public or private institutions in cooperation with the County.

5. **Fast track permitting.** Subject to the provisions of the fast track permit process.
6. **Modified fee payment.** Deferral, reduction or waiver of processing fees, exactions or impact fees as approved by the Board of Supervisors, provided that this incentive does not apply to fees or exactions necessary to implement the Local Coastal Program.
7. **Modification of facility requirements.** Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development may be modified by the decision-maker if deemed necessary to ensure affordability of dwelling units or to provide additional developer incentives provided that such modifications are found consistent with all applicable policies and provisions of the Local Coastal Program.

Section 35-144C.5 Siting Criteria.

The following siting criteria shall apply to density bonus projects:

1. All uses of land shall comply with the base zone district. In cases where conflict occurs between the regulations of the base zone district standards and the provisions of the density bonus program, the conflict shall be resolved in accordance with the provisions of the Local Coastal Program.
2. All units within the proposed development should be of similar architectural style. The intent is to have the affordable units blend in with the proposed development.
3. All proposed development shall be sited to provide maximum access to public forms of transportation.
4. Density Bonus projects shall be applied in areas served by water districts and municipal sanitary districts.
5. All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.

Section 35-144C.6 Processing of a Preliminary Density Bonus Request

Consistent with Government Code Section 65915(d), prior to the submittal of a formal application, an applicant may submit to the County a written preliminary proposal for a density bonus project. The preliminary proposal shall contain the following information:

1. The Assessor's Parcel Number(s), gross and net acreage, land use and zoning designations of the project site;
2. The total number of units proposed (not including the density bonus units);
3. The number of density bonus units requested;
4. The number of very low income, low income, lower- or upper-moderate and/or "qualifying resident" units proposed;
5. Any additional incentive(s) requested;
6. Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the developer to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.

7. A site plan in accordance Section 35-169.4 (Coastal Development Permits).

Within 45 days of receipt of a complete written proposal, the Planning and Development Department shall notify the developer in writing of 1) the types of incentives which may be recommended in order to comply with this Section and 2) whether staff may support the granting of a density bonus on the basis of required development standards and findings.

Section 35-144C.7 *Processing of a Density Bonus Project* (Amended by Ord. 4455, 4/16/02)

1. A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.
2. The AH-Overlay zone was established to provide density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH-Overlay shall be inclusive of, and not in addition to the development incentives required in this Section.
3. The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.
4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes. All affordable units shall be restricted for a minimum of 30 years and the 30-year requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years, unless the County does not grant one additional incentive listed in Section 35-144C.4, in which case the developer shall agree to, and the County shall ensure, continued affordability for 10 years of all lower income housing units receiving a density bonus (Government Code Section 65915.C.).

Sec. 35-144D. Affordable Housing Development Regulations.

Sec. 35-144D.1 Purpose and Intent.

The purpose of this section is to allow modifications to standard development regulations for qualified AH Overlay or Density Bonus affordable housing developments pursuant to Section 35-102C and 35-144C of Article II, provided that such modification of regulations is consistent with all applicable policies and provision of the Local Coastal Program.

Sec. 35-144D.2 Applicability.

The provisions of this section shall apply to all qualified AH-Overlay projects in the Design Residential and Planned Residential Development zone districts and all qualified density bonus projects.

Sec. 35-144D.3 Modified Development Standards.

The following modified standards may apply to qualified AH-Overlay projects in the Design

Residential and Planned Residential Development zone districts and qualified density bonus projects, provided that projects so modified shall be found consistent with all applicable policies and provision of the Local Coastal Program.

1. One side yard setback per lot may be reduced from the standard requirement to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
2. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

Sec. 35-144E. Hazardous Waste Generators. *(Added by Ord. 4048, 5/19/92)*

Sec. 35-144E.1 Purpose and Intent

The purpose of the section is to implement certain policies of the County's Hazardous Waste Element, by requiring hazardous waste generators to incorporate waste minimization and emergency response considerations into their uses and developments. The intent is to require generators to submit a Waste Minimization Plan and incorporate waste minimization techniques where technically and economically feasible; and comply with the County Environmental Health Services Generator Permit Program and prepare an emergency response plan where required by Chapter 6.95 of the California Health and Safety Code

Sec. 35-144E.2 Applicability.

The provisions of this Section apply to any activity for which a Coastal Development or Home Occupation Permit is required that is undertaken by a person or business who is or will be a generator of hazardous waste.

Sec. 35-144E.3 Requirements.

1. As part of the application for a Coastal Development Permit, the applicant shall submit a Waste Minimization Plan.
2. All new or modified Coastal Development Permits shall incorporate waste minimization techniques to the maximum extent economically and technically feasible.
3. Prior to issuance of a Coastal Development Permit, the applicant shall have an approved Generator Permit from the County Environmental Health Services, or an accepted application for a Generator Permit.
4. Prior to operations, any Coastal Development Permit shall require submittal of a Business Plan, if such a plan is required under Chapter 6.95 (Section 25500 *et seq.*) of the California Health and Safety Code.

Sec. 35-144F. Commercial Telecommunication Facilities. *(Amended by Ord. 4588, 6/14/07)*

Sec. 35-144F.1 Purpose and Intent.

The purpose of this section is to provide a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development; and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-144F.2 Applicability.

The provisions of this Section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Section 35-169 (Coastal Development Use Permits), Section 35-172 (Conditional Use Permits), and Section 35-174 (Development Plans), as applicable. Modifications to zone district regulations are allowed under Section 35-315 and Section 35-317 only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices.

Sec. 35-144F.3 Processing.

No permits for development subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements, including the requirements of Sections 35-144F.4 through 35-144F.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Section 35-169:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If a facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - a) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - b) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - c) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend

- above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Section 35-52:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
 - 2) The antenna is mounted on either (1) an existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by the Planning and Development Department, or (2) the roof of an existing structure. No more than two antennas shall be located on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
 - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Section 35-174 and the approval and issuance of a Coastal Development Use Permit pursuant to Section 35-169:
- a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52. Additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
- 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Section 35-174 shall be allowed.
 - 2) Antennas, associated support structures and equipment shelters may exceed the

height limit of the zone district that the project is located in under the following circumstances:

- a) As provided in Section 35-144F.3.1.a.2.
 - b) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection pursuant to Section 35-127 (General Regulations).
- 3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- b. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1 or 35-144F.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52 except for the Recreation (REC) zone district.
- 1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Section 35-174 shall be allowed.
 - 2) Antennas and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - a) As provided in Section 35-144F.3.2.a.2.
 - b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Planning and Development Department, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - 3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - 4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - 5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on an Environmental Resources

Management Element map, provided all the components of the facility are not substantially visible from the roadway located within the corridor.

3. The following development requires a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Section 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Section 35-169:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a or 35-144F.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52 except the Recreation (REC) zone district.
 - 1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Section 35-172 may be allowed, however, the highest point of the antenna and associated support structure may not exceed 50 feet.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in without the approval of a modification pursuant to Section 35-172 under the following circumstances:
 - a) As provided in Section 35-144F.3.2.b.2.
 - b) The antenna and antenna support structure are mounted on an existing building or structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the building or structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the building or structure.
 - 3) New freestanding antenna support structures and associated antennas that do not utilize an existing, operational public utility pole or similar support structure, as determined by the Planning and Development Department, shall not exceed a height of 50 feet.
 - 4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - b. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television and communication signals that (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed 50 feet in height may be allowed in all non-residential zone districts as identified in Section 35-52.
 - c. Private, non-commercial telecommunication facilities used in conjunction with and serving an agricultural operation located on the property that the facility is located on are allowed in all agricultural zone districts.

4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to Section 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Section 35-169:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a, 35-144F.3.2.b or 35-144F.3.3 but do conform to the following development standards may be allowed in all zone districts:
 - 1) The height of the antenna and antenna support structure shall not exceed 75 feet.
 - 2) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - 3) If the facility is proposed to be located in a residential zone district as identified in Section 35-52 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.
 - b. Other telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Section 35-52. This does not include wireless telecommunication facilities that are subject to the provisions of Section 35-144F.4.a or amateur radio facilities that are subject to the provisions of Section 35-144G.
5. Commercial telecommunication facilities shall be subject to Section 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new building or structure or the remodel of or addition to an existing building or structure that is otherwise subject to review by the Board of Architectural Review pursuant to Section 35-184.
 - b. The facility is under the jurisdiction of the Planning Commission.

Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.

In addition to the development standards contained in Section 35-144F.3, commercial telecommunication facilities, other telecommunication facilities as specified in Section 35-144F.3.3.b or Section 35-144F.3.4.b, and non-commercial telecommunication facilities used in conjunction with an agricultural operation as specified in Section 35-144F.3.3.c shall also comply with the following development standards unless otherwise indicated.

1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. The facility shall comply with the setback requirements of the zone district that the

facility is located in except as follows:

- 1) Antennas may be located within the setback area without approval of a modification provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
 - 2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - 3) A modification to the setback is granted pursuant to Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans).
- b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter.
- c. Facilities proposed to be installed in or on a building, structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board of Supervisors on appeal.
- d. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
- e. The facility shall be served by roads and parking areas consistent with the following requirements:
- 1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - 2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.
 - 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
- f. The facility shall be unlit except for the following:
- 1) A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.
 - 2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences and habitat.
- g. The facility shall not be located within the safety zone of any airport unless the airport operator indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F- Airport Approach Overlay District (Section 35-100) shall comply with the height limitations of that overlay district.
- h. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.

- i. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- j. The facility shall be constructed so as to maintain and enhance existing vegetation through the implementation of the following measures:
 - 1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that is not required to be removed in order to construct the facility shall be protected from damage during the construction period and for the life of the project.
 - 2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - 3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines and telephone lines under the following situations:
 - a) Such vegetation is required to screen the improvements from public viewing areas.
 - b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor or licensed landscape architect. Performance security shall be required to guarantee the installation and maintenance of any new plantings.

- 4) Any existing trees or significant vegetation used to screen the facility that dies in the future shall be replaced with native trees and vegetation of a comparable size, species and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- 5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
 - a) Where such alteration is specifically allowed by the approved project, or
 - b) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of such vegetation shall be done under the direction of a licensed arborist.

- 6) All vegetation proposed and/or required to be planted in association with a commercial telecommunication facility shall consist of non-invasive plant species only.

2. Telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
 - b. Collocation on an existing support structure shall be required for facilities permitted pursuant to Section 35-144F.3.2.b, Section 35-144F.3.3 and Section 35-144F.3.4 unless:
 - 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - 2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - 3) The decision-maker determines that (1) collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed and (2) the non-located development will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Planning and Development Department to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for collocation include but are not limited to the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding

collocation are located in Section 35-144F.5.3.

- c. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).
 - d. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
 - e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the first through public road parallel to the sea, unless a location on the seaward side would result in less visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize visual impacts.
- 3. Telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Section 35-172. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.
 - a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on an Environmental Resources Management Element map.
 - b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is collocated in a multiple user facility.
 - c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple-user site.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.

- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. All associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, non-indigenous plant species which tend to supplant native species shall be prohibited.

Sec. 35-144F.5 Project Installation and Post Installation Provisions.

- 1. Radio Frequency (RF) Emission Levels.** No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or any legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for all commercial telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
 - b. If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.
 - c. If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.
 - d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.
 - 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit

approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.

- 2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.
- 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit shall be grounds for revocation of the use permit or other entitlement of use by the Director. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Section 35-182.2 of this article.

2. Project Review.

- a. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Development may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection it is determined that:
 - 1) The project fails to achieve the intended purposes of the development standards listed in Section 35-144F.4 for reasons attributable to design or changes in environmental setting; or
 - 2) More effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed 10 percent of the total cost of facility construction. The decision of the Director as to modifications required under this section is final subject to appeal in compliance with Section 35-182 (Appeals).

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:

- a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs and permit processing.
- b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.
- c. Applicants shall make facilities and property available for collocation of

telecommunication facilities on a non-discriminatory and equitable basis. County retains the right to verify that the use of the facility and property conforms with County policies regarding collocation and to impose additional permit conditions where necessary to assure these policies are being fulfilled.

- d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
- e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions is final subject to appeal in compliance with Section 35-182 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.

4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.

- a. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Development prior to completion of the one year period.
- b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the County's notice to abate.
- c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Prior to the issuance of the Coastal Development Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Development that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
- d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Planning and Development approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.

5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility

is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Development within 30 days of the transfer of interest in the facility.

- 6. Color Compatibility.** Prior to the issuance of the land use permit the applicant may erect an onsite demonstration structure of sufficient scale and height to permit the Director of Planning and Development to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect such a demonstration structure prior to issuance of the land use permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

Sec. 35-144F.6 Noticing.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.3.1 shall be given in compliance with Section 35-181 (Noticing). *(Amended by Ord. 4594, 3/5/08)*
2. Notice of the pending decision of the Director on a Development Plan pursuant to Section 35-144F.3.2 shall be provided pursuant to Section 35-181 except that:
 - a. Notice shall be mailed to property owners and residents 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 the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide 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 the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.
3. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing) and shall include mailed notice to property owners and residents 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 with the Planning and Development Department.
4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

Sec. 35-144F.7 Additional Findings.

In addition to the findings required by be adopted by the decision-maker pursuant to Sections 35-

169, 35-172 and 35-174, in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4.
5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.

Sec. 35-144F.8. Contents of an Application.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms;
 - b. Cross-sectional area calculations;
 - c. Service area maps;
 - d. Network maps;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
 - g. RF exposure studies;
 - h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to any third party.

Sec. 35-144G. Non-commercial Telecommunication Facilities. *(Amended by Ord. 4588, 6/14/07)*

Sec. 35-144G.1 Purpose and Intent.

The purpose of this Section is to provide a uniform and comprehensive set of standards for the siting and development of non-commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-144G.2. Applicability.

The provisions of this section shall apply to all non-commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, amateur radio stations, data and other non-commercial telecommunication signals. Such facilities shall be subject to all the provisions set forth in Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits), and Section 35-174 (Development Plans), as applicable.

Sec. 35-144G.3. Processing.

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements:

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Section 35-169:
 - a. Ground or roof-mounted receive-only satellite dish antennas or wireless television antennas over one meter in diameter but not greater than two meters in diameter that are used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television, data) are allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts provided:
 - 1) The height of the antenna including the support structure does not exceed 65 feet, and
 - 2) The development standards set forth in Section 35-144G.4 are complied with.

Any antenna or antenna support structure installed without the necessary permits prior to June 14, 2007 shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from June 14, 2007.
2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Section 35-174 and the approval and issuance of a Coastal Development Permit pursuant to Section 35-169:
 - a. A ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two meters in diameter that is used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television, data) is allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of

the property where the facility is located are allowed in all zone districts where the height of the antenna and associated support structure exceeds 65 feet provided the development standards set forth in Section 35-144G.4 are complied with. Any antenna and/or antenna support structure installed without the necessary permits prior to June 14, 2007 shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from June 14, 2007.

Sec. 35-144G.4 Development Standards.

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. These noncommercial telecommunication facilities shall comply with the following development standards only to the extent such requirements do not (1) preclude amateur service communications and (2) reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility requires a major Conditional Use Permit approved by the Planning Commission pursuant to Section 35-172. The purpose and intent of these standards is to allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national and international interests in services provided by the amateur radio community such that the provision of these services must be protected. However, this must be balanced with local interests regarding public safety and welfare. Antennas and support structures shall comply with the following standards and any other applicable regulations of this Article including but not limited to setbacks.

1. An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the property on which the antenna and support structure is located. Where such access would be impeded, a minimum of three feet clearance must be provided between the antenna support structure and any other building, structure or other obstacle.
2. Antenna support structures that are located on roofs shall be located on the portion of the building that faces away from public viewing areas such as public streets, parks, etc., whenever technically feasible.
3. Any required building and electrical permits shall be obtained prior to erecting or operating the antenna support structure and associated antenna.
4. No antenna, regardless of height, shall be located so that it extends over any neighboring property without the express written, notarized consent of the affected property owner. If the affected property changes ownership, then written, notarized consent must be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the property line. If the antenna support structure must be relocated, then a new Coastal Development Permit shall be obtained prior to relocation of the antenna support structure.
5. The visible support facilities shall be finished in non-reflective materials.
6. The components of the facility shall be of a color that blends with surrounding environment to the maximum extent feasible.
7. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.
8. No facility shall be located so as to silhouette against the sky if substantially visible from a

state-designated scenic highway or other public viewing area.

9. Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).
10. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.

Sec. 35-144G.5 Noticing.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144G.3.1 shall be given in compliance with Section 35-181 (Noticing). *(Amended by Ord. 4594, 3/5/08)*
2. Notice of the pending decision of the Director on a Development Plan pursuant to Section 35-144G.3.2 shall be provided pursuant to Section 35-181 except that:
 - a. Notice shall be mailed to property owners and residents 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 with the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide 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 the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.

Sec. 35-144H. 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 in compliance with Section 35-182 (Appeals).

DIVISION 8 SERVICES, UTILITIES AND OTHER RELATED FACILITIES *(Amended by Ord. 4084, 12/15/92)*

Sec. 35-145. Purpose and Intent.

The purpose of this Division is to provide for the siting of small scale public works, utilities and private service facilities in all zone districts, excluding communication facilities governed by and specified in Section 35-144F, Communication Facilities. The intent is to ensure that these facilities are sited and designed in a manner consistent with the provisions of this Article and compatible with surrounding land uses. *(Amended by Ord. 4084, 12/15/92, Ord. 4263, 6/24/97)*

Sec. 35-146. Applicability.

1. With the exception of those public works, utilities, private service, or energy facilities which are subject to the Division 4. PU Public Works, Utilities and Private Service Facilities District, Section 35-88, or energy facilities regulated by Division 9. Oil and Gas Facilities, Section 35-150, or Transportation Related Public Works regulated by Division 4. Transportation Corridor, Section 35-93, the provisions of this Division shall apply to public works, utilities, and private service facilities as follows:

Any development, except repair and maintenance and certain utility connections, as allowed pursuant to the County Guidelines on Repair and Maintenance and Utility Connections to Permitted Development (Section 35-169.10) undertaken by a business organization, person, private entity, the County of Santa Barbara, a public agency, public utility, a special district, or a mutual water company shall be subject to the permits outlined in this Division. *(Amended by Ord. 4084, 12/15/92)*

2. Facilities subject to the provisions of this Division shall be permitted in all zone districts, except above ground electrical transmission lines shall not be permitted in the View Corridor Overlay District. Facilities which require only a Coastal Development Permit for approval shall be considered principal permitted uses. Projects which require a Minor or Major Conditional Permit or Special Use Permit shall be considered conditional uses. *(Amended by Ord. 4084, 12/15/92, Ord. 4171, 10/25/94)*

Sec. 35-147. Processing.

No permits for development subject to the provisions of this Division shall be issued except in conformance with the following: *(Amended by Ord. 4084, 12/15/92)*

1. Development subject to a Coastal Development Permit (Section 35-169 *et seq.*) shall include, but not be limited to the development listed below: *(Added by Ord. 4084, 12/15/92)*
 - a. Development that is less than 20,000 square feet of total development area as listed below.
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;

- 4) Roads or streets;
 - 5) Flood control projects;
 - b. Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures;
 - c. Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial or recreational connection;
 - d. Utility lines for gas, electricity, television, telephone, or other similar utilities, proposed to serve less than five connections;
 - e. Pump or lift stations;
 - f. In-ground septic systems on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells, as provided in Section 35-169.2.
2. Development subject to a Minor Conditional Use Permit (Section 35-172 *et seq.*) and a Coastal Development Permit (Section 35-169 *et seq.*): *(Added by Ord. 4084, 12/15/92)*
- a. Development that is 20,000 square feet or more of total development area including:
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Water production, storage, and treatment systems, including but not limited to, shared water systems, community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve from two to 199 domestic, commercial, industrial or recreational connections;
 - c. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve less than 15 domestic, commercial, industrial, or recreational connections, or agricultural operations;
 - d. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H and MHP zoning districts;
 - e. Water diversion projects;
 - f. Septic tanks or dry wells on all lots in designated Special Problem Areas for sewage

- disposal;
 - g. Experimental waste disposal systems such as mound or evapo-transpiration systems;
 - h. Utility lines for gas, electricity, television, or other similar utilities, proposed to serve five or more connections;
 - i. Electrical substations subject to the performance standards and district requirements of the Public Works, Utilities and Private Service Facilities District, Section 35-88, excluding major electric transmission substations;
 - j. Uses, buildings, and structures accessory and customarily incidental or similar to the above uses.
3. Development subject to a Major Conditional Use Permit (Section 35-172 *et seq.*) and a Coastal Development Permit (Section 35-169 *et seq.*): *(Added by Ord. 4084, 12/15/92)*
- a. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve from 15 to 199 domestic, commercial, industrial, or recreational connections;
 - b. Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities;
 - c. Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections;
 - d. Electrical transmission lines;
 - e. Uses, buildings, and structures accessory and customarily incidental to the above uses.

Sec. 35-148. Performance Standards.

1. Utility lines.

- a. Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.
- b. Annexation of a rural area(s) to a sanitary district or extensions of sewer lines into rural area(s) as defined on the Coastal Land Use Plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.
- c. Water, gas, sewer, or electrical transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable, in accordance with appropriate P.U.C. Regulations. *(Amended by Ord. 4084, 12/15/92)*

2. Electrical Transmission Lines.

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- b. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

3. Water Wells.

- a. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.
- b. Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.

- 4. Lot Size.** Subject to the issuance of a Minor Conditional Use Permit, Section 35-172, lots may be reduced in size below the area and width requirements of the specific district regulations when the use of such lots is limited to facilities subject to the provisions of this Division.

Sec. 35-149. Reserved For Future Use.

DIVISION 9 OIL AND GAS FACILITIES

Sec. 35-150. Purpose and Intent.

The purpose of this Division is to set forth specific regulations for those oil and gas facilities designated as permitted uses or uses permitted with a Conditional Use Permit in the applicable zoning districts within this Article.

Sec. 35-150.1 Voter Approval. *(Note: This section added pursuant to Measure A96 voter approval initiative passed by the voters of Santa Barbara County on March 26, 1996 and by Santa Barbara County Ord. 4234, 7/23/96; amended by Ord. 4602, 3/21/06)*

1. Any legislative approvals (e.g. zoning amendment, General Plan amendment, Local Coastal Plan amendment, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purpose of this measure, the term "onshore support facility" means any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources.
2. The voter approval requirement set forth in 1 above shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 81-220-14, 81-230-19) or the former, but not longer existing or approved, consolidated oil and gas processing site at Gaviota (designated as of June 13, 1995 as APN 81-130-07, 81-130-52, 81-130-53). *(Amended by Ord. 4602, 3/21/06)*
3. The terms, policies, and zoning amendments set forth herein shall expire at the end of 25 years after the effective date of this ordinance unless extended by the Board of Supervisors or by another vote of the electorate.

Sec. 35-151. Definitions.

Unless otherwise defined within this Article, the definitions of oil and gas related terms shall be those set forth in Section 25-3 of Chapter 25 of the Santa Barbara County Code (Petroleum Ordinance).

Sec. 35-152. Onshore Exploratory Oil and Gas Drilling.

1. **Applicability.** The specific regulations contained within this section shall apply to all equipment, buildings, and appurtenances necessary for the exploration for oil and gas resources from an onshore hydrocarbon area outside the limits of an established oil field. For all districts in which exploratory oil and gas drilling is a permitted use or a use permitted with a Conditional Use Permit, the district regulations of Division 4 shall be inapplicable to said use.
2. **Permitted Districts.**
 - a. Exploratory oil and gas drilling and related facilities are permitted uses in the following districts:
 - 1) Agriculture II (AG-II).

- 2) Coastal-Dependent Industry (M-CD).
 - 3) Coastal-Related Industry (M-CR). *(Added by Ord. 3947, 11/19/91)*
 - 4) Where either of these districts is also subject to either an Environmentally Sensitive Habitat Area (ESH) or View Corridor (VC) Overlay District, a Conditional Use Permit as provided in Section 35-172 is required.
 - b. Exploratory oil and gas drilling is permitted subject to a Major Conditional Use Permit in the following districts:
 - 1) Resource Management (RES)
 - 2) Rural Residential (RR)
 - 3) Industrial/Research Park (M-RP)
 - 4) Light Industry (M-1)
 - 5) General Industry (M-2)
- 3. Processing:** Prior to the issuance of any Coastal Development Permit for exploration for oil and/or gas, an Exploration Plan shall be approved in accordance with the procedures set forth in Section 35-176 (Oil and Gas Exploration and Production Plans).
- 4. Development Standards:**
- a. In addition to the well spacing and setback requirements of Section 25-23 of the County Code (Petroleum Ordinance), no exploratory oil or gas well or related facilities shall be permitted within 300 feet of either the mean high tide line or an occupied residence.
 - b. A drill site shall not exceed one acre in size, but may contain any number of boreholes.
 - c. Except in an emergency, no materials, equipment, tools, or pipe used for drilling shall be delivered to or removed from a drilling site within or through streets within a residential district, between the hours of 7 p.m. and 7 a.m. of the next day.
 - d. Grading and alteration of natural drainages shall be minimized.
 - e. If the exploratory drilling program is successful, a Production Plan shall be submitted within one year of the issuance of the Coastal Development Permit for the exploratory drilling unless deemed infeasible for a particular operator.
 - f. If the exploratory drilling program is unsuccessful the well shall be abandoned within one year of the issuance of the Coastal Development Permit for the exploratory drilling, unless deemed infeasible for a particular operator.
 - g. The applicant has received "authority to construct" from the Air Pollution Control District.

Sec. 35-153. Onshore Oil and Gas Production.

- 1. Applicability.** For all districts in which oil and gas production and related facilities are permitted uses or uses permitted with a Conditional Use Permit, the district regulations of Division 4 shall be inapplicable to said use.

The specific regulations contained within this section shall apply to the production of oil and gas from an onshore hydrocarbon area and related facilities, equipment, buildings, or appurtenances including:

- a. Drilling a new well or re-entering a previously abandoned well for the production of petroleum.
- b. Structures, equipment, or facilities necessary and incidental to dehydration and/or separation of oil, gas and condensate obtained from an onshore hydrocarbon area.
- c. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes.
- d. Equipment and facilities necessary for enhanced oil recovery including waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers, or other agents.
- e. Pipelines located within an onshore oil and gas lease area which are necessary for oil and gas production operations.
- f. Storage tanks necessary or incidental to separation/treatment of oil and gas, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
- g. Access roads.
- h. Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating oil/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife clean-up equipment.

2. Permitted Districts.

- a. Oil and gas production and related facilities are a permitted use in the following districts:
 - 1) Agriculture II (AG-II).
 - 2) Coastal-Dependent Industry (M-CD).
 - 3) Coastal-Related Industry (M-CR). *(Amended by Ord. 3947, 11/19/91)*
 - 4) Where either of these districts is also subject to either an Environmentally Sensitive Habitat Area (ESH) or a View Corridor (VC) Overlay District, a Conditional Use Permit, as provided in Section 35-172 is required.
- b. Oil and gas production and related facilities are permitted subject to a Major Conditional Use Permit in the following districts:
 - 1) Resource Management (RES)
 - 2) Rural Residential (RR)
 - 3) Industrial/Research Park (M-RP)
 - 4) Light Industry (M-1)
 - 5) General Industry (M-2)

3. Processing. Prior to the issuance of any Coastal Development Permit for development related to oil and gas production, a Production Plan shall be approved in accordance with the procedures set forth in Section 35-176 (Oil and Gas Exploration and Production Plans).

4. Development Standards.

- a. In addition to the well spacing and setback requirements of Section 25-23 of the County Code (Petroleum Ordinance), no oil and gas production well or related facilities shall be permitted within 300 feet of either the mean high tide line, or an occupied residence.
- b. Except in an emergency, no materials, equipment, tools, or pipe used for drilling or production operations shall be delivered to or removed from a site within or through streets within a residential district between the hours of 7 p.m. and 7 a.m. of the next day.
- c. No more than one drilling/production site shall be permitted for each 10 acres of land area within a lease so as to minimize the area of disturbance. A drill site may contain any number of wells.
- d. The site or the moving parts of operating machinery shall be with an adequate non-combustible type fence, wall, screen, or housing sufficient to prevent unauthorized access thereto and having a of at least six feet unless public access is prevented by reason of an isolated location.
- e. Each producing well site shall be completed in such a manner that all production equipment and facilities shall be recessed, covered, or otherwise screened from view.

Trees or shrubbery shall be planted and maintained so as to develop attractive landscaping and to screen the site and production equipment, structures, tanks, and facilities thereon from public view, unless such equipment, structures, tanks, and facilities are screened from public view by reason of an isolated location, existing trees or shrubbery, intervening surface contours, or a wall constructed as herein provided.

- f. Any machinery used in the production and/or processing shall be so designed and housed that noise and vibration shall be reduced to a minimum and the operation thereof will be compatible with the level of surrounding areas.
- g. The applicant has received "authority to construct" from the Air Pollution Control District.
- h. All lights shall be shielded so as not to directly shine on adjacent properties.
- i. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
- j. In addition to all of the above, the Development Standards contained in Paragraph 5 of Section 35-154.5 for onshore processing facilities for offshore oil and gas development shall also be applicable to the processing facilities that are permitted as a component of an onshore production area.

Sec. 35-154. Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development. *(Amended by Ord. 3701, Ord. 3745)*

1. **Applicability:** The specific regulations of this section shall apply to structures, equipment, or facilities necessary and incidental to:
 - a. Dehydration and/or separation of oil, gas and condensate obtained from an offshore hydrocarbon area, except for dehydration and separation incidental to onshore wells which shall be subject to regulations of Section 35-158, and 35-176, and *(Amended by Ord. 4235, 9/3/96)*
 - b. Oil and gas processing/treatment facilities. *(Amended by Ord. 4235, 9/3/96)*

For the specific regulations listed under Section 35-154.4B, the terms "new production" or "new oil and gas production" or "new gas production" refer to:

- c. The development of any oil and/or gas after the adoption of these policies which requires new discretionary local, state, or federal permits unless its from an existing well or platform; or
- d. The development of any oil and/or gas which, after the adoption of these policies, requires approval of a new platform, or a new sub-sea or onshore well completion.

An operator who claims a constitutionally-protected vested right exists within the scope of existing permits to process new production at a facility which is not at a County-designated consolidated site may request the Planning Commission for a determination of exemption to allow processing of that production at the nonconsolidated site. The request must be accompanied by evidentiary support reasonably available at the time of filing. The Planning Commission shall hold a hearing on the request within 60 days of filing. The Planning Commission shall determine the scope of the applicant's existing permits and whether the applicant, by obtaining and relying on such permits prior to the adoption of these policies, has acquired, under California law, a vested right to process new production at a facility other than a County-designated consolidated site.

The Commission may continue the hearing (1) with the consent of the applicant and the County or (2) to permit or require the applicant or the County to submit additional evidence or legal analysis. No more than 90 days total continuance shall be granted unless the parties consent or the Commission finds that additional evidence is needed or a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after all such evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.

2. **Permitted Districts.** Processing facilities for offshore oil and gas development are permitted only in the Coastal Dependent Industry (M-CD) District (if the use requires a site on or adjacent to the sea to be able to function at all) and in the Coastal-Related Industry (M-CR) District, except: *(Amended by Ord. 3947, 11/19/91; Ord. 4235, 9/3/96)*
 - a. Where the property is subject to the Environmentally Sensitive Habitat Area Overlay District (ESH), such facilities shall not be permitted within the area subject to the ESH.
 - b. Where the property is subject to the View Corridor Overlay District, such facilities shall require a Major Conditional Use Permit as provided in Section 35-172.

3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.
- a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. These emergency response plans shall be approved by the County's Emergency Services Coordinator and Fire Department.
 - b. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.
- 4A. **Findings Required for Approval of Development Plans Outside the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan is to be approved for a project in an area outside the South Coast Consolidation Planning Area unless the Planning Commission also makes all of the following findings: *(Added by Ord. 3701)*
- a. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
 - b. There are no feasible alternative locations for the proposed processing facility that are less environmentally damaging.
 - c. Where consolidation or collocation on or adjacent to an existing processing facility is not proposed, for coastal areas east of the City of Santa Barbara, there are no existing processing facilities within three miles of the proposed site.
 - d. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.
- 4B. **Findings Required for Approval of Development Plans for Facilities in the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan for processing facilities shall be approved unless the Planning Commission also makes one or more of the following findings: *(Added by Ord. 3701)*
- a. Existing and approved processing capacity at the County-designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir(s) infeasible. This finding shall take into account feasible delays in development of the offshore reservoir(s) to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.
 - b. The specific properties of oil or gas for a particular reservoir - considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point - would render development of the resource technically infeasible unless specialized units can be built. Such finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing

facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity insofar as such modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.

- c. Commingling the production in existing or already-approved facilities at designated consolidated sites is environmentally unacceptable.

Additionally, no Preliminary or Final Development Plan for expansion or construction of processing facilities shall be approved unless the Planning Commission makes the following findings to restrict industrialization of the area:

- d. The expansion of existing facilities or construction of new facilities are to be located at a consolidated oil and gas processing site as designated in the Coastal Plan of the County's Comprehensive Plan. *(Amended by Ord. 4602, 3/21/06)*
- e. The proposed facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

5. Development Standards. In addition to the regulations of the M-CD District, the following regulations shall apply to onshore processing facilities for offshore oil and gas development:

- a. The level of noise generated by the facility at the property boundary shall not exceed 70 db(A).
- b. The applicant has received "authority to construct" from the Air Pollution Control District.
- c. There shall be no visible emission of smoke.
- d. The installation shall be visually compatible with the potential surroundings by use of any or all of the following measures where applicable: buffer strips, depressions, natural or artificial; screen planting and landscaping continually maintained; camouflage and/or blending colors.
- e. All lights shall be shielded so as not to directly shine on adjacent properties.
- f. Grading and alteration of natural drainages shall be minimized.
- g. Adequate provisions shall be made to prevent erosion and flood damage.
- h. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
- i. Permits for expanding, modifying, or constructing crude oil processing or related facilities shall be conditioned to require that all oil processed by the facility shall be transported from the facility and the County by pipeline as soon as the shipper's oil refining center of choice is served by pipeline.

Transportation by a mode other than pipeline may be permitted only:

- 1) Within the limits of the permitted capacity of the alternative mode; and
- 2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible; and

- 3) When the shipper has made a commitment to the use of a pipeline when operational to the shipper's refining center of choice; and
- 4) When the County has determined use of a pipeline is not feasible by making one of the following findings:
 - a) A pipeline to the shippers' refining center of choice has inadequate capacity or is unavailable within a reasonable period of time;
 - b) A refinery upset has occurred, which lasts less than two months, precludes the use of a pipeline to that refinery, and requires temporary transportation of oil to an alternative refining center not served by pipeline;
 - c) The costs of transportation of oil by common carrier pipeline is unreasonable taking into account alternative transportation modes, economic costs, and environmental impacts; or
 - d) An emergency, which may include a national state of emergency, has precluded use of a pipeline.

A permit based on finding b. or d. may be granted by the Director of the Planning and Development Department and shall be subject to appeal to the Planning Commission. A permit based on findings a. and c. may be granted by the Board of Supervisors. All permits in this section are subject to appeal to the Coastal Commission.

All permits for the use of a non-pipeline mode of transportation may specify the duration for such permitted use. Such permit may be extended upon a showing of good cause based upon a consideration of the findings listed above. A permit based on finding b. shall be granted for two months only. If refinery upset conditions continue beyond two months and the shipper wishes to continue use of a non-pipeline transportation mode, the shipper must seek a new or modified permit that is based on a consideration of finding a., c., or d. In all cases, the burden of proof as to pipeline unavailability or inadequate capacity, unreasonable tariffs, and the need for and use of other transportation systems shall be on the shipper.

- j. Except in an emergency, no materials, equipment, tools, or pipes used for plant operation shall be delivered to or removed from the plant site through streets within a residential district between the hours of 7 p.m. and 7 a.m. of the next day.
 - k. Within the South Coast Consolidation Planning Area, operators and owners of County-designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis. If existing processing capacity is insufficient to accommodate proposed production and necessary new facilities are not permissible pursuant to the County's consolidation policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers. *(Added by Ord. 3701)*
6. Facility and Site abandonment Within the South Coast Consolidation Planning Area.
- a. The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any 12 consecutive months, does not exceed three percent of the facility's maximum

permitted operating capacity. The review shall be conducted in a duly-noticed public hearing to determine if facility abandonment or facility modifications are appropriate. *(Added by Ord. 3701)*

Sec. 35-155. Onshore Supply Base and Piers and Staging Areas Necessary or Related to Offshore Oil and Gas Development. *(Amended by Ord. 3537, 10/8/85)*

1. **Applicability.** The specific regulations contained within this section shall apply to the onshore portion of supply bases and/or piers and staging areas established for shipping equipment, supplies, and personnel to offshore areas during exploratory, development, or petroleum production operations. For all districts in which piers and staging areas are permitted or conditionally permitted, the district regulations of Division 4 shall be inapplicable to said use.
2. **Permitted Districts.**
 - a. Supply bases, piers and staging areas are permitted uses in the Coastal Dependent Industry (M-CD) District (if the use requires a site on or adjacent to the sea in order to function at all) and in Coastal Related Industry (M-CR) District, except: *(Amended by Ord. 3947, 11/19/91)*
 - 1) Where the property is subject to the Environmentally Sensitive Habitat Area Overlay District (ESH), such facilities shall not be permitted within the area subject to the ESH.
 - 2) Where the proposed facility is subject to the View Corridor (VC) Overlay District, such facilities shall require a Conditional Use Permit, as provided in Section 35-172.
 - b. Piers and staging areas are permitted subject to a Major Conditional Use Permit, in the following districts:
 - 1) Agriculture II (AG-II)
 - 2) Rural Residential (RR)
 - c. The continued use of all existing piers and staging areas is permitted.
3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). Supply bases shall also be subject to an approved Specific Plan as provided in Section 35-175 (Specific Plans). In addition to the other information required under Section 35-175 (Specific Plans), the following information must be filed with a Supply Base Specific Plan application.
 - a. Purpose and need for the project, including a description of the service area;
 - b. Applicable Local Coastal Program goals and policies and project compatibility, including mitigation measures and provisions for resource protection;
 - c. Consistency with and relationship to local, state, and federal regulations and coordination with government agencies;
 - d. Circulation plan and transportation analysis;

- e. Open space and coastal access plan;
 - f. Phasing plan, including abandonment;
 - g. Description of public services/utilities, including mitigation of identified constraints;
 - h. Socioeconomic data, including proposed employment and generation of expenditures;
 - i. Description of facilities screening from public viewing places and buffering from adjacent land uses;
 - j. Description of safety features;
 - k. Air quality data, including emissions inventory and offsets;
 - l. Identification of site constraints due to biological, geological, and cultural resources and similar factors;
 - m. Identification of recreation resources and mitigation of potential impacts;
 - n. Description of proposed operating policies which assure the facilities will be open to all potential users on fair and equitable terms.
- 4. Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
- a. There are no feasible alternative locations for the proposed pier or staging area that are less environmentally damaging.
 - b. The proposed facility is compatible with the present and permitted recreational and residential development and the scenic resources of the surrounding area.
 - c. Consolidation at an existing facility is not feasible or is more environmentally damaging.
 - d. For Supply Base Specific Plan Applications:
 - 1) There is a proven need for the project.
 - 2) The project provides a net environmental advantage as determined during the environmental review process.
- 5. Development Standards.**
- a. At such time as piers are no longer needed for petroleum operations, the County shall be given the right of first refusal to purchase the piers. The piers shall not be dismantled or sold to private parties unless the County Board of Supervisors decides not to purchase it.
 - b. Permanent structures and equipment shall be painted in a neutral color so as to blend in with natural surroundings.
 - c. Where applicable, the applicant has received "authority to construct" from the Air Pollution Control District.

- d. Setbacks for Buildings and Structures other than Piers:
 - 1) Front. 50 feet from the centerline and 20 feet from the right-of-way line of the street.
 - 2) Side. 10 feet. On corner lots, the side yard along the street shall conform to the above front setback regulations.
 - 3) Rear. 10 feet, except that:
 - a) For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.
- e. Height Limit. No building or structure shall exceed a height of 45 feet.
- f. Parking. As provided in DIVISION 6-PARKING REGULATIONS.
- g. Landscaping/Screening. All property lines shall be provided with landscaping sufficient to screen from view any buildings or structures. In addition, where any portion of a lot subject to these regulations abuts a lot in a residential district, a masonry wall not less than six feet in height shall be provided.
- h. Outdoor storage areas shall be screened from view of any street by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall and fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the County Landscape Planner to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.

Sec. 35-156. Marine Terminals. *(Amended by Ord. 3745, 11/21/88)*

- 1. **Applicability.** The specific regulations contained within this section shall apply to the onshore portion of the components of a marine terminal which include loading and/or unloading equipment, storage tanks, terminal control and safety equipment and navigational facilities but not including pipelines. The regulations for pipelines and related facilities are located in Section 35-157. These regulations shall apply to existing and new marine terminals and as of April 12, 1967, there exists in the County four marine terminals which are located at Cojo Bay, Gaviota, El Capitan and Coal Oil Point.
- 2. **Permitted Districts.** Marine terminals are a permitted use in the Coastal Related Industry (M-CR) District. They are also permitted in the Coastal Dependent Industry (M-CD) District if such use is determined to require a site on or adjacent to the sea to be able to function at all. *(Amended by Ord. 3947, 11/19/91)* However,
 - a. No more than one additional marine terminal to the number in existence within the County as of April 12, 1967, shall be permitted in the area east of Point Conception.
 - b. Where the land to be used for the onshore portions of the marine terminal is also subject to the Environmentally Sensitive Habitat Area (ESH) Overlay District, such facilities shall not be permitted.
 - c. Where the land to be used for the onshore portions of the marine terminal is also subject to the View Corridor (VC) Overlay District, such facilities require a Major Conditional Use Permit, as provided in Section 35-172.

- d. After adoption of a Resolution by the County Board of Supervisors that an onshore pipeline for transporting crude oil to refineries is technically and economically feasible, new marine terminals shall not be a permitted use in any district and existing marine terminals shall continue to be a permitted use until the pipeline is operational, at which time they shall become legal nonconforming uses. After the pipeline is operational, marine terminals are a use permitted subject to a Major Conditional Use Permit in the Coastal Related Industry (M-CR) District, and if determined to require a site on or adjacent to the sea to be able to function at all in the Coastal Dependent Industry (M-CD) District. Marine terminals are permitted in these two districts only upon a finding, in addition to those normally required for a marine terminal, as set forth in paragraph 4, that transshipment of oil by onshore pipeline is not feasible for the particular operator. *(Amended by Ord. 3947, 11/19/91)*
 - e. Major oil storage facilities shall be consolidated and shall support the most environmentally preferred oil transportation system. Minor storage facilities may be allowed at specific operating areas where clearly needed, where it can be shown that it is not feasible to provide such storage at the consolidated site(s), where it is located in the least environmentally damaging location and where the adverse environmental impacts are mitigated to the maximum extent feasible.
3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:
- a. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.
 - b. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.
4. **Findings** Required for Approval of Development Plans. In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
- a. There are no feasible alternative locations for the proposed marine terminal that are less environmentally damaging.
 - b. Expansion of an existing marine terminal onto adjacent lands is not feasible or is more environmentally damaging.
 - c. The proposed facility is compatible with the present and permitted recreational, educational, and residential development and the scenic resources of the surrounding area.
5. **Development Standards.**
- a. The level of noise generated by the facility at the property boundary shall not exceed

70 dB(A).

- b. The applicant has received "authority to construct" from the Air Pollution Control District.
- c. There shall be no visible emission of smoke.
- d. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
- e. The installation shall be visually compatible with the potential surroundings by use of any or all of the following measures where applicable: Buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; camouflage and/or blending colors.
- f. All lights shall be shielded so as not to directly shine on adjacent properties.
- g. Grading and alteration of natural drainages shall be minimized.
- h. Adequate provision shall be made to prevent erosion and flood damage.
- i. Except in an emergency, no materials, equipment, tools, or pipes used for marine terminal operations shall be delivered to or removed from the plant site through streets within a residential district between the hours of 7 p.m. and 7 a.m. of the next day.
- j. The following standards must be achieved on site or through off-site mitigation:
 - 1) The facility shall not have a significant visual impact.
 - 2) The significance of visual impact shall be determined based on a visual contrast rating developed according to the United States Bureau of Land Management Scenic Quality Inventory and Evaluation System (1981), which utilizes a scale ranging from 0 (best) to 33 (worst). A score of 7 or greater (more severe) following mitigation shall be considered significant.
 - 3) No known or potential significant habitat for locally rare or regionally endemic species shall be adversely affected by the facility.
- k. Oil storage facilities shall meet each of the following goals on site or through off-site mitigation except where aggregate impacts, notwithstanding one or more exceedances of the following goals, demonstrate that a particular site is the least environmentally damaging reasonable site available:
 - 1) To ensure public health and safety, human exposure to risk of an accident at the tank farm shall be limited to an aggregate of 240 person hours per day on average, exclusive of facility employees, within one-half mile of the proposed facility;
 - 2) Not more than 1.6 acres or their equivalent of high productivity terrestrial habitat (equivalent to 1,025 acres of industrial use land) shall be disturbed;
 - a) Impacts on terrestrial habitat shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines based on a standard of high productivity terrestrial habitat based on wetland

productivity and biological assessments, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data.

Habitat Type	High Productivity Habitat Equivalent
Wetland	1 acre
Native Grassland	3 acres
Undisturbed Riparian	3 acres
Coastal Strand	5 acres
Disturbed Riparian	9 acres
Coastal Bluff Scrub	10 acres
Oak Woodland/Forest	10 acres
Coastal Sage Scrub	15 acres
Chaparral	20 acres
Cismontane Introduced Grassland	50 acres
Agricultural/Introduced Plantings	200 acres
Recently Disturbed	200 acres
Industrial	640 acres

(eg., 40 acres Coastal Bluff Scrub is equivalent to 4 acres of high productivity habitat.)

The interpretation of the Coastal Zoning Ordinance shall not result in less resource protection than mandated by Environmentally Sensitive Habitat areas protection policies and other policies contained within this Coastal Plan.

- 3) Not more than 0.064 acres or their equivalent of high productivity marine habitat (equivalent to 1.19 acres of sandy beach) shall be disturbed by a ballast water treatment outfall associated with a marine terminal;
 - a) Impacts on marine ecology shall be assessed based on a detailed environmental analysis of site-specific conditions. "Equivalent acres" shall be determined according to the following guidelines based on a standard of high productivity rocky bottom kelp habitat, but the determination of the environmentally preferable site and mitigation programs shall be based on site-specific environmental data:

Habitat Type	High Productivity Habitat Equivalent
Kelp, rocky bottom	1 acre
High relief boulder/exposed intertidal reefs	1.6 acres
Kelp, sandy bottom	3 acres
Low relief intertidal bedrock reefs	6.9 acres
Cobble/gravel beach	8.1 acres
Hard bottom/deep water (no kelp)	10.8 acres
Silty/mud bottom	17.1 acres
Sand Beach	18.6 acres

- 4) No residents shall be subject to greater than a nine dB increment above baseline in ambient noise level;

- 5) No significant cultural resources shall be adversely affected.

Sec. 35-157. Oil and Gas Pipelines. *(Amended by Ord. 3745, 11/21/88, Ord. 4602, 3/21/06)*

- 1. Applicability.** The specific regulations contained within this section shall apply to:
 - a. All oil and gas pipelines that extend outside the applicants lease area (e.g., transmission and distribution lines).
 - b. All oil and gas pipelines transporting oil and gas from or to an offshore area.
 - c. Facilities related to the pipeline, including simple, in-line pump stations, but not including pipeline terminals regulations under Section 35-159. *(Amended by Ord. 4602, 3/21/06)*
 - d. Oil storage facilities associated with pipelines shall be subject to the regulations contained in Section 35-159. For all districts in which oil and gas pipelines or related facilities are permitted uses or uses permitted with a Conditional Use Permit, the district regulations of Division 4 shall be inapplicable to said use. The regulations for pipelines located within a lease area that are necessary for oil and gas production operations are contained within Section 35-153 (Onshore Oil and Gas Production).
- 2. Permitted Districts.** Oil and gas pipelines (including gas utility lines) shall be a permitted use within all zone districts except that where the property to be used for the pipeline is subject to an Environmentally Sensitive Habitat Area (ESH) Overlay District, a Major Conditional Use Permit, as provided in Section 35-172, is required.
- 3. Processing.** No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), and with Section 35-169 (Coastal Development Permits). In addition to the other information required under Section 35-174.3 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:
 - a. An updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.
 - b. A survey of the pipeline corridor to identify the potential impacts on coastal resources. The survey shall be conducted by a consultant approved by the County, the Department of Fish and Game and the applicant.
 - c. If it is determined by the survey that any portion of the pipeline corridor to be disturbed will not re-vegetate naturally or in sufficient time to avoid other damage (e.g., erosion), a re-vegetation or restoration plan shall be prepared. The plan shall also include provisions for restoration of any habitats which will be disturbed by construction or operational procedures.
- 4. Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan which proposes new pipeline construction outside of industry facilities shall be approved unless the Planning Commission also makes the following findings:

- a. Use of available or planned common carrier and multiple-user pipelines is not feasible; and
- b. Pipelines will be constructed, operated, and maintained as common carrier or multiple-user pipelines unless the Planning Commission determines it is not feasible. Applicants have taken into account the reasonable, foreseeable needs of other potential shippers in the design of their common carrier and multiple-user pipelines. Multiple-user pipelines provide equitable access to all shippers with physically compatible stock on a nondiscriminatory basis; and
- c. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the Planning Commission determines that such corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline; and
- d. When a new pipeline route is proposed, it is environmentally preferable to all feasible alternative routes; and
- e. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that might result from locating additional pipelines in that corridor in a future; and
- f. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

5. Development Standards.

- a. Except in an emergency, no materials, equipment or tools used for pipeline construction shall be delivered to or removed from a pipeline construction site through streets within a residential zone district between the hours of 7 p.m. and 7 a.m. of the next day.
- b. For projects in which a re-vegetation plan and/or habitat restoration plan has been prepared, a performance security shall be provided in an amount sufficient to ensure completion of all requirements of the approved re-vegetation and/or restoration program and shall be released upon satisfactory completion.
- c. For projects in which a re-vegetation plan and/or habitat restoration plan has been prepared, the affected pipeline segment shall be resurveyed one year after completion of construction to assess the effectiveness of the re-vegetation and restoration program. This survey shall continue on an annual basis to monitor progress in returning the site to pre-construction conditions or until no additional monitoring is deemed necessary by the County.
- d. Herbicides shall not be used during pipeline construction.
- e. All equipment and activities shall be restricted to the pipeline right-of-way to the maximum extent feasible.
- f. After completion of back-filling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an approved disposal site.
- g. During construction of the pipeline, permanent blocking of surface drainages shall be avoided.

- h. A pipeline corridor shall be sited so as to avoid important coastal resources (e.g., recreation, habitat, and archaeological areas) to the maximum extent feasible.
- i. Where pipeline segments carrying hydrocarbon liquids pass through important coastal resource areas (e.g., recreation, habitat, archaeological, or other areas of significant coastal resource value), automatic shut-off valves shall be utilized to minimize the amount of spilled liquids in the sensitive area. The potential for damage in those areas shall be minimized by considering spill volumes, duration, and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and cleanup (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.
- j. Following installation of a pipeline, use of the right-of-way shall be restricted to the pipeline easement.
- k. The applicant has received "authority to construct" from the Air Pollution Control District.
 - 1. Permits of new pipeline construction shall require engineering of pipe placement and burial within a corridor to minimize incremental widening of the corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.

Sec. 35-158. Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs.

1. Applicability. *(Amended by Ord. 4602, 3/21/06)*

- a. Onshore exploration and/or production of offshore oil and gas reservoirs within the South Coast Consolidation Planning Area shall be restricted to sites designated in the Coastal Plan as consolidated oil and gas processing sites.
- b. The specific regulations contained within this section shall apply to all equipment, buildings, activities and appurtenances necessary for the exploration and production of offshore oil and gas reservoirs from an onshore location including:
 - 1) Collocated structures, equipment, or facilities necessary and incidental to drilling, dehydration and separation of oil, gas and condensate obtained from an offshore oil and/or gas reservoir including secondary recovery methods as set forth in Section 25-31 of the County Code.
 - 2) Injection wells and incidental equipment necessary for gas reinjection or disposal of oil and gas exploration and production wastes.
 - 3) Surge tanks necessary or incidental to separation and dehydration of oil and gas at the drill site and pipeline transportation to processing facilities.
 - 4) Temporary storage facilities required during exploration, during emergency circumstances, during remediation of contaminated soils, and during abandonment.
 - 5) Access roads and staging areas.
 - 6) Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating oil/water separators, pumps, generators,

hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife clean-up equipment.

- c. The specific regulations contained within this section shall not apply to the injection, storage or withdrawal of natural gas from the Southern California Gas Company's storage field in Goleta, as described in Section 35-88.11 and regulated under the PU Zone District.
2. **Permitted or Conditionally Permitted Districts.** Exploration and production of oil and gas resources is permitted or conditionally permitted in the following Districts contained within the sites designated in the Coastal Plan as consolidated oil and gas processing sites:
 - a. Coastal-Related Industry (M-CR).
 - b. Agricultural II (AG-II) - (Permitted with a Major Conditional Use Permit as provided in Section 35-172)
 - c. Where either of these districts is also subject to an Environmentally Sensitive Habitat Area, a Conditional Use Permit as provided in Section 35-172 is required.
3. **Processing.** Prior to the issuance of any Coastal Development Permit for exploration of offshore oil and gas reservoirs from an onshore location, an Exploration Plan shall be approved in accordance with Section 35-176. Additionally, prior to the issuance of any Coastal Development Permit for production of offshore oil and gas reservoirs from an onshore location, a Production Plan shall be approved in accordance with Section 35-176.
4. **Findings Required for Approval of Exploration Plan.** In addition to the findings set forth in Section 35-176.5, Exploration Plans, the following findings must be made:
 - a. That exploration occurring within a County designated site for consolidated oil and gas processing does not jeopardize space requirements for existing and projected consolidated processing and does not subject processing operations to undue risk.
 - b. That exploration sites are collocated with other exploration and/or production sites approved after January 1, 1996, to the maximum extent feasible.
5. **Development Standards for Exploration.** In addition to the development standards set forth in Section 35-176.6 required for Exploration Plans and the regulations of the M-CR and AG-II districts, the following regulations shall apply. Where applicants seek an Exploration Plan in conjunction with a Production Plan simultaneously, only the development standards for Production Plans shall be applicable.
 - a. Oil and gas drilling rigs may exceed 50 feet in height if the 50 foot height limit, as set forth in Section 35-127, is determined to render the development of the oil and/or gas reservoir technically infeasible.
 - b. A drill site shall not exceed one acre in size.
 - c. Drilling rigs shall be shielded and soundproofed to be compatible with the surrounding area.
 - d. All lights shall be shielded and directed so as not to directly shine on adjacent properties.
 - e. Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental

degradation during construction, operation and abandonment of oil and gas facilities. Where grading and alteration of natural drainages, watersheds, and hillsides is required to carry forth a project, adequate mitigation shall be required, including minimizing the effected area of impact by employing temporary vegetation, seeding, mulching, or other suitable stabilization. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.

- f. A site-specific restoration, erosion control, and re-vegetation plan shall be prepared for all areas impacted by construction.
 - g. A Production Plan shall be submitted within one year of the issuance of the Coastal Development Permit for the exploratory drilling. The Director of Planning and Development may extend this deadline by no more than one year upon written request by the operator and demonstration of good cause. Failure to submit a Production Plan within the required period will require that the operator abandon the exploration well(s) and related facilities pursuant to Chapter 25 of the County Code and any other abandonment and restoration policies and procedures in place at that time.
 - h. An abandonment plan shall be prepared to address the abandonment of the facilities to be built during exploration. To ensure that abandonment is carried out, a performance bond or other acceptable financial mechanism shall be posted by the operator prior to issuance of a Coastal Development Permit in an amount commensurate with the estimated costs of obtaining permits for site abandonment, and the costs of abandonment and restoration of the site. The bond or other financial security shall be returned to the applicant upon successful abandonment and restoration of the site.
 - i. The applicant shall obtain an "authority to construct" from the Air Pollution Control District before commencing operations.
 - j. An Emergency Response Plan, a Fire Protection Plan, a Hazardous Materials and Waste Management Plan, a Hydrogen Sulfide Incident Plan shall be prepared for the facilities. Additional contingency plans (e.g., Flood Control Plan) may be required on a project-by-project basis.
 - k. The proposed development shall have an adequate water source consistent with County Land Use Development Policies. Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to insignificance through adequate erosion and sediment controls, including containment of loose soil. Additionally, significant impacts to surface and groundwater due to oil spills shall be mitigated to the maximum extent feasible through adequate preventative and protective measures, including containment basins, dikes, and timely remediation of contaminated soils during operations. Specific mitigation shall be based on project-specific potential for causing significant impacts.
- 6. Findings Required for Approval of Production Plan.** In addition to the findings set forth in Section 35-176.10, Production Plans, the following findings must be made.
- a. That production occurring within a County designated site for consolidated oil and gas processing does not jeopardize space requirements for existing and projected consolidated processing.

- b. That production sites are collocated with other exploration and/or production sites approved after January 1, 1996, to the maximum extent feasible.
 - c. Sufficient pipeline capacity to transport processed crude oil, processed natural gas, and heavier fractions of natural gas liquids is reasonably available for the life of the project.
7. **Development Standards for Production Activities.** In addition to the development standards set forth in Section 35-176.10 required for Production Plans and the regulations of the M-CR and AG-II districts, the following regulations shall apply.
- a. Oil and gas drilling rigs may exceed 50 feet in height if the 50 foot height limit, as set forth in Section 35-127, is determined to render the development of the oil and/or gas reservoir technically infeasible.
 - b. Except in an emergency, no materials, equipment, tools, or pipe used for production shall be transported through streets within a residential district, between the hours of 7 p.m. and 7 a.m. of the next day.
 - c. The site or the moving parts of operating machinery shall be enclosed with an adequate non-combustible type fence, wall, screen, or housing sufficient to prevent unauthorized access thereto and having a height of at least six feet. Fences greater than eight feet in height are subject to the permit requirements of Section 35-123 of this ordinance.
 - d. Drilling rigs shall be shielded and soundproofed to be compatible with the surrounding area.
 - e. Visual impacts shall be mitigated to the maximum extent feasible, including but not limited to the following measures:
 - 1) Drilling operations shall be located so as to minimize intrusion of drill rigs into publicly accessible viewsheds.
 - 2) A Site Screening and Lighting Plan, including provisions for screening equipment and directing and shielding lighting so as not to directly shine offsite or produce excessive glare, shall be submitted to the Planning and Development Department for review and approval prior to land use clearance. Such provisions shall be applied to the drill rig to the maximum extent feasible.
 - f. Any machinery used in the production shall be so designed and housed that noise and vibration shall be reduced to a minimum and the operation thereof will be compatible with the level of surrounding areas.
 - g. The applicant shall obtain an "authority to construct" from the Air Pollution Control District before commencing operations.
 - h. Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental degradation during construction, operation and abandonment of oil and gas facilities. Where grading and alteration of natural drainages, watersheds, and hillsides is required to carry forth a project, adequate mitigation shall be required, including minimizing the effected area of impact by employing temporary vegetation, seeding, mulching, or other suitable stabilization. All cut and fill slopes shall be stabilized

immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.

- i. A site-specific restoration, erosion control, and re-vegetation plan shall be submitted with the Production Plan application and shall address all areas impacted by construction.
- j. Drill site facilities and pipelines shall be designed to withstand maximum credible earthquakes and associated peak ground accelerations that have been determined for the site.
- k. Secondary recovery operations may be carried out in accordance with Section 25-31 of the County Code so long as such operations were included as part of the project description, processed through environmental review, and made part of the permitted project. Secondary recovery operations proposed after initial project approval shall be subject to additional environmental review and permitting.
- l. All transportation of oil to a refinery center shall be subject to the Coastal Land Use Plan Policy 6-8 and the development standards set forth in Section 35-154. All transportation of natural gas liquids shall be accomplished in accordance with County-approved practices to protect public safety, including, but not limited to, the following precautions:
 - 1) Butane and heavier gas-liquid fractions shall be blended with crude oil for shipment by pipeline to the extent feasible or marine tanker;
 - 2) Shipments by highway shall be limited to routes approved by the County;
 - 3) Carriers shall be selected and monitored in accordance with a County-approved Transportation Risk Reduction and Prevention Program prepared by the shipper;
 - 4) Additional public services such as increased enforcement of traffic regulations by the California Highway Patrol shall be funded by the shippers on a prorated basis.
- m. Within 60 days of abandonment of facility operations, the operator shall submit an Abandonment and Restoration Plan addressing the abandonment of the wells and removal of all production equipment pursuant to Sections 25-32 and 25-33 of the County Code and include provision for site restoration and re-vegetation. *(Amended by Ord. 4550 9/21/04)*
- n. To ensure that abandonment is carried out, a performance bond or other acceptable financial mechanism shall be posted by the operator prior to commencement of operations in an amount commensurate with the estimated costs of obtaining permits for site abandonment, and the costs of abandonment and restoration of the site. The bond or other financial security shall be returned to the applicant upon successful abandonment and restoration of the site.
- o. All offsite pipelines shall be protected from rupture and leaks in the following manner:
 - 1) External corrosion shall be reduced to insignificance through appropriate measures, including cathodic protection and proper coating;
 - 2) Internal corrosion shall be reduced to insignificance through deployment of

- scrapers, corrosion inhibitors, and single-phased streams as appropriate;
- 3) External mechanical interference shall be reduced to insignificance through adequate warning devices, participation in an acceptable one-call system to warn third-party excavation of a pipeline presence, and adequate protection and emergency access to pipeline right-of-ways.
 - 4) Adequate testing of pipelines following ground movement or subsidence.
 - 5) Where technically feasible and at appropriate time intervals, all offsite pipelines shall be tested with state-of-the-art "smart pigs" to identify occurrences of corrosion, pipewall thinning, dents, cracks and other defects.
- p. For production and handling of gas and natural gas liquids (or any other hazardous material used in production in volumes sufficiently large to pose a significant risk to public safety), a quantitative risk analysis shall be prepared as part of the environmental review. This risk analysis shall be further revised as needed to reflect reduction of risk based on required mitigation and any other changes in risk due to changes in factors that define the risk.
 - q. A Hazard and Operability Study shall be prepared for the production and ancillary facilities.
 - r. A Safety, Inspection, Maintenance and Quality Assurance Program shall be prepared for construction and operation of the production and ancillary facilities.
 - s. The proposed development shall have an adequate water source consistent with County Land Use Development Policies. Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to insignificance through adequate erosion and sediment controls, including containment of loose soil. Additionally, significant impacts to surface and groundwater due to oil spills shall be mitigated to the maximum extent feasible through adequate preventative and protective measures, including containment basins, dikes, and timely remediation of contaminated soils during operations. Specific mitigation shall be based on project-specific potential for causing significant impacts.
 - t. In accordance with Coastal Land Use Plan Policy 2-6, the proposed development shall have adequate public and private services and resources.
 - u. Adequate setbacks, grading controls, measures to prevent, contain, and minimize damage from oil and gas liquid spills, or from fires and explosions, shall be required as necessary to protect potentially impacted environmentally sensitive habitat areas. Any areas damaged by spills, fires, or explosions shall be restored to pre-spill conditions at the expense of the project operator and owners. In order to provide adequate restoration, the project operator or owner shall provide the County inventories of sensitive species and surveys as well as emergency response and restoration plans for approval by the Planning and Development Department before commencement of production.
 - v. Environmentally sensitive resources shall be protected in accordance with policies in Section 3.9 of the Coastal Land Use Plan. Residual significant impacts shall be offset with exaction of mitigation fees, paid to the Coastal Resources Enhancement Fund.
 - w. Archaeological and historical resources shall be protected in accordance with Section 3.10 of the Coastal Land Use Plan, and significant impacts shall be mitigated to the

maximum extent feasible, potentially including the following measures:

- 1) Consider alternative sites and pipeline corridors within the designated planning area that lessen impacts to archaeological and historical resources;
- 2) As necessary, Phase I, II, and III assessments shall be conducted at the expense of the applicant;
- 3) Areas containing resources shall be fenced and appropriately protected during grading and construction, and the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American as applicable;
- 4) An educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.

Sec. 35-159. Consolidated Pipeline Terminals. *(Added by Ord. 4602, 3/21/06)*

1. Applicability.

- a. This section shall apply to pipeline terminals wholly or partially engaged in the transport of oil, gas, or natural gas liquids extracted from offshore reserves. A pipeline terminal is defined as any facility, the primary function of which is to transfer crude oil, natural gas, or natural gas liquids between pipeline systems or between a pipeline and another mode of transportation. A consolidated pipeline terminal provides open, non-discriminatory access to all shippers. Pipeline terminals may include some of the following components:
 - 1) Oil storage facilities;
 - 2) Oil heating equipment;
 - 3) Gas-fired co-generation of steam and electricity, including as many as five turbines, primarily to support terminal operations;
 - 4) Desalinization plant to convert saltwater to water for steam generation and miscellaneous uses at the terminal;
 - 5) Hydrogen sulfide polishing operation to safely address potential upset conditions;
 - 6) Oil pumps and natural gas compressors necessary for transferring product between pipelines;
 - 7) Access roads and staging areas;
 - 8) Oil spill containment and recovery equipment and structures;
 - 9) Produced water disposal equipment;
 - 10) Other equipment and structures that are determined by the Planning Commission to be ancillary to the pipeline terminal.
- b. This section shall not apply to the following:
 - 1) Public works utilities regulated under Section 35-88;

- 2) Simple, in-line booster pump stations in crude oil pipelines, which are considered ancillary to pipelines, regulated under Section 35-157;
 - 3) Pipeline terminals that are located within oil and/or gas processing facilities and regulated under the provisions of Section 35-154.
2. **Permitted Districts.** Pipeline terminals are a permitted use in the Agriculture II (AG-II) and Coastal-Related Industry (MC-R) zoning districts, provided that the site is designated in the Coastal Plan as a Consolidated Pipeline Terminal.
3. **Processing.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174. (Development Plans) and with Section 35-169. (Coastal Development Permits). In addition to the other information required under Section 35-174.3. (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application:
 - a. Updated emergency response plans that address the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plans shall be approved by the County's Emergency Services Coordinator and Fire Department. Page 4
 - b. An estimated timetable for project construction, operation, and abandonment, including all phases of planned development.
4. **Findings Required for Approval of Development Plans.** In addition to the findings for Development Plans set forth in Section 35-174.7. (Development Plans), no Preliminary or Final Development Plan shall be approved unless the Planning Commission also makes all of the following findings:
 - a. The new or modified facilities are to be located at a County-designated consolidated pipeline terminal.
 - b. The new or modified facilities will use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.
 - c. Avoidance of significant adverse impacts or application of feasible mitigation measures renders the new or modified facility fully compliant with the policies of the Coastal Act and Local Coastal Program.
5. **Development Standards.** In addition to the regulations of the applicable zoning district, the following standards apply to new or expanded consolidated pipeline terminals.
 - a. Total oil storage capacity shall be limited to the minimum amount necessary to accommodate reasonably foreseeable needs. Total oil storage capacity at the Gaviota Consolidated Pipeline Terminal shall not exceed 130,000 barrels.
 - b. The level of noise generated by the facility, measured outside the property boundary, shall not exceed 70 dB(A).
 - c. The permittee shall obtain all necessary permits from other agencies before commencing operations.
 - d. No offensive odors, fumes, noxious gases, liquids, or smoke (i.e., visible combustion products, not including steam) generated at the facility, other than from motor vehicles, shall be detectable outside the facility boundary.

- e. Visual impacts shall be mitigated to the extent necessary to comply with the policies and regulations of the Coastal Act and the County's Local Coastal Program. New or modified facilities shall be sited and designed to avoid adverse visual impacts, protect views to and along the ocean and scenic coastal areas, and be visually compatible with the surrounding area. Potential mitigation measures may include:
 - 1) Location and alternative tank configurations (e.g., one large tank versus multiple smaller ones);
 - 2) Buffer strips and depressions, natural or artificial;
 - 3) Screen planting and landscaping continually maintained;
 - 4) Camouflage and/or colors that blend with the surroundings;
 - 5) Lighting positioned, directed, and shielded so as to not directly shine offsite and to minimize offsite glare;
 - 6) Prompt removal or timely painting and upkeep of facilities, tanks, and equipment to prevent deterioration of appearance;
 - 7) Good housekeeping practices.
- f. Grading and alteration of natural drainages, watersheds, and hillsides shall be minimized to control erosion, minimize flooding, and minimize environmental degradation during facility construction and operation. Where grading and alteration of natural drainages, watersheds, or hillsides is required to carry forth a project, adequate mitigation shall be required, including use of temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices. Significant impacts to surface water due to short-term sedimentation of streams shall be mitigated to the maximum extent feasible through adequate erosion and sediment controls, including containment of loose soil.
- g. Adequate provision shall be made to prevent on-site or off-site erosion and flood damage.
- h. New or modified facilities shall be designed and located to avoid significant adverse impacts to known or potential significant habitat for locally rare or regionally endemic and to comply with the policies and regulations of the Coastal Act and the County's Local Coastal Program. Environmentally sensitive resources shall be protected in accordance with policies in Section 3.9 of the Coastal Land Use Plan.
- i. Risks of oil spills and associated impacts shall be mitigated to the extent necessary to comply with the policies and regulations of the Coastal Act and the County's Local Coastal Program. New or modified facilities shall be designed and operated to protect against the spillage of crude oil, petroleum products, or hazardous substances. Effective containment and clean-up shall be provided for accidental spills that do occur. Appropriate preventive measures may include: appropriate location to avoid damage, best-available design, and best-available operational procedures. Added measures to minimize adverse consequences of spills may include: best-available containment designed for worst-case spills, automatic shutdown, leak detection, best-available operational procedures, adequate planning for emergency response, oil spill

- contingencies, fire protection, and adequate financial assurances to ensure appropriate clean-up and restoration.
- j. All oil transported from the facility shall be transported by overland pipeline, with the following exception. Temporary transportation by a mode other than pipeline may be permitted under an emergency permit only:
 - 1) When the County has made a finding that a declared emergency, which may include a national state of emergency, precludes use of a pipeline; and
 - 2) If an alternate pipeline does not exist, or exists, but is technically infeasible to utilize; and
 - 3) For that fraction of the oil that cannot feasibly be transported by pipeline; and
 - 4) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.
 - k. Emergency permits issued in accordance with Section 35-159.5.i. shall adhere to the procedures of Section 35-171 with the following exceptions:
 - 1) Emergency permits shall be issued for no more than 90 days and may be renewed if the emergency persists;
 - 2) Permits shall expire when the County determines that the emergency has ended or that it no longer precludes use of the pipeline.
 - l. All transportation of natural gas liquids shall be accomplished in accordance with County-approved practices to protect public safety.
 - m. Archaeological and historical resources shall be protected in accordance with Section 3.10 of the Coastal Land Use Plan and Division 3, Section 35-65 of the Coastal Zoning Ordinance. Where adverse impacts to archaeological and historical resources cannot be avoided, reasonable mitigation shall be required and designed in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
 - n. Owners and operators of County-designated consolidated pipeline terminals shall make their facilities and property available for consolidated use of terminal facilities and commingled shipping on an equitable and nondiscriminatory basis. Prorated access shall be provided to all shippers if existing transport capacity is insufficient to accommodate proposed production and necessary new facilities are not permissible.
 - o. All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons who may be present in the vicinity of the facility by reason of danger to life or property.

DIVISION 10 NONCONFORMING STRUCTURES AND USES

Sec. 35-160. Purpose and Intent.

Within the districts established by this Article, or amendments that may later be adopted, there exists lots, structures, and uses of land and structures, which were lawful prior to the adoption, revision, or amendment of this Article, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted under the terms of this Article or future amendment. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Article, subject to only very limited exceptions as specified to prevent nonconforming uses and structures from being enlarged, expanded or extended, or being used as grounds for adding other structures or uses prohibited elsewhere in the same district. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-161. Nonconforming Use of Land, Buildings and Structures. *(Amended by Ord. 4067, 8/18/92; Ord. 4227, 6/18/96, Ord. 4557, 12/7/04)*

A nonconforming use may be continued subject to the following regulations, so long as such use remains otherwise lawful.

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.
2. **Extension or Expansion.** A nonconforming use may be extended throughout an existing building provided no structural alterations except those required by law or ordinance (i.e., building code regulations) are made therein. No nonconforming use shall be extended to

occupy any land outside such building. No existing nonconforming use of land outside buildings, or involving no buildings, shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not occupied by such nonconforming use at such time.

3. **Change of Use.** A nonconforming use may only be changed to a conforming use.
4. **Discontinuance.** If a nonconforming use is abandoned, any future use shall comply with the provisions of the district in which the use is located. Proof of discontinuation of a nonconforming use for 12 consecutive months shall be prima facie evidence that the nonconforming use has been abandoned.
5. **Damage.** The purpose of this Section is to identify the standards for allowing the continuation of a nonconforming use in a building, structure, or other development that is damaged or destroyed by fire, flood, earthquake or other natural disaster.

a. Non-Residential Uses.

- 1) Where buildings, structures, or other development dedicated to a non-residential nonconforming use are damaged by fire, flood, earthquake, or other natural disaster to an extent of 75 percent or more of replacement cost at the time of damage, as determined by the Planning and Development Department, the nonconforming use shall be discontinued and the damaged building, structure, or other development thereafter used in accordance with regulations of the district in which it is located unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the building, structure, or other development should restoration of the nonconforming use be denied.
- 2) Where damage caused by fire, flood, earthquake, or other natural disaster is to an extent of less than 75 percent at the time of damage, such building, structure, or other developments may be restored to the same or lesser size and in the same general footprint location, provided however that restoration shall commence within 24 months of the time of damage and be diligently carried to completion, and the nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

b. Residential Uses. Where buildings or structures dedicated to nonconforming residential dwelling uses (i.e., single and multi-family units, second residential units, residential uses in the SR-M or SR-H Zone District), except in industrial zones, are damaged or destroyed by fire, flood, earthquake, or other natural disaster, such structures may be reconstructed to the same or lesser size and in the same general footprint location provided that reconstruction shall commence within 24 months of the time of damage and be diligently carried to completion. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms). If the building or structure dedicated to a nonconforming residential dwelling use is located in an industrial zone the damage standards of Section 35-161.5.a shall apply.

c. The restoration or reconstruction of a building, structure, or other development

dedicated to a nonconforming use that is damaged or destroyed by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building, structure, or other development complies with the provisions of this Section and if the building, structure, or other development conforms to the specifications documented to exist prior to the damage or destruction as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored or replaced structure, shall be subject to the provisions of Section 35-184., Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building, structure, or other development is proposed to be altered from the original specifications, as determined by the Planning and Development Department, the restoration or reconstruction shall be subject to all applicable permit requirements of this Article.

6. Limited Exception for Certain Nonconforming Residential Uses. Notwithstanding the foregoing, the County finds that a need exists to conserve, preserve, and rehabilitate certain existing nonconforming residential units despite the fact that such units do not conform to all current terms of this Article. Therefore, existing buildings devoted to a legal nonconforming residential use may be enlarged, extended, reconstructed, moved, and/or structurally altered, subject to the following criteria:

- a. The site is within a zone district which allows residential use as a permitted use requiring only a Coastal Development Permit.
- b. On any legal lot, only one existing building devoted to a legal nonconforming residential use may be enlarged, extended, reconstructed, moved, and or structurally altered.
- c. No enlargements shall result in a total gross floor area devoted to a nonconforming use over 1,200 square feet and no enlargements shall be allowed to any building which has a current legal nonconforming residential gross floor area of 1,200 or more square feet.
- d. No new construction, reconstruction, or relocation shall exceed the building height of, or protrude higher than the highest point of, the existing building used for a legal nonconforming residential use.
- e. The building or structure used for a legal nonconforming residential use shall comply with all currently applicable building, electrical, plumbing, fire and mechanical codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (septic) system, as determined to the satisfaction of the County Environmental Health Department.
- f. Any structural enlargement or relocation shall comply with all setback, height, lot coverage, parking, and other requirements of the zone district in which such structure is located.

7. Limited Exception Determinations for Certain Nonconforming Industrial Uses. Notwithstanding the foregoing, the County finds that the need may exist to improve the safety or reduce the environmental effects of certain nonconforming industrial uses by

allowing minor changes that could result in minor enlargements, extensions, expansions or structural alterations (e.g., installation of emergency back-up generator for fire protection equipment, modifications to emergency shutdown system) to buildings or structures dedicated to such nonconforming uses, despite the fact that they do not conform to all current provisions of this Article. Therefore, an improvement comprising of minor enlargements, extensions, expansions or structural alterations of a building or structure dedicated to an industrial, public works, or energy-related nonconforming use may be allowed, subject to the following process and findings:

a. Process.

- 1) No permits shall be issued for development, including grading, unless and until a Limited Exception Determination by the Planning Commission is first granted for the proposed improvement. Where no discretionary permit has previously been issued for the existing nonconforming industrial use, appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted. Where a discretionary permit has been previously issued, changes to that permit may be made pursuant to the provisions of this Article and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted. The action of the Planning Commission on the Limited Exception Determination is final subject to appeal in compliance with Section 35-182 (Appeals).
- 2) Unless otherwise specifically waived by the Planning and Development Director, 10 copies of the following information shall be submitted:
 - a) Description of project objectives;
 - b) Project description, including construction requirements (schedule, equipment, labor, parking), physical changes to existing facilities, and any changes to facility operations or ancillary operations (truck trips, hazardous materials storage, etc.) as a result of the improvement;
 - c) Map showing contiguous properties, including Assessor Parcel Numbers and property owners' names;
 - d) Site plan to scale showing all existing and proposed facilities on the site. The new components, modifications to existing equipment, and any components to be removed shall be highlighted;
 - e) Design specifications for any new components;
 - f) Estimated expenditures for the improvement, including materials, labor, and equipment;
 - g) Photographs of the site showing the area where the improvement is proposed;
 - h) Identification of any increase in utility use or demand as a result of the improvement (water, electricity, natural gas);

- i) Written justification and such data, report(s), and documentation that demonstrate and verify the improvement's public health and safety benefit or environmental benefit. In all cases, the burden of proof shall be on the applicant to provide evidence verifying the public health and safety or environmental benefit.
 - j) Any other supplemental data or information requested by the Planning and Development Department.
- 3) The Planning and Development Department shall distribute the material to the appropriate County departments for a 30-day application completeness review.
 - 4) Upon determination of application completeness, the Planning and Development Department shall conduct an assessment of the public health and safety and/or environmental benefits of the application and shall conduct environmental review. Information from such benefit assessment or the environmental review shall be included for use to support the Planning Commission's action on a Limited Exception Determination.

b. Limited Exception Determination Findings. A Limited Exception Determination for an improvement that results in the minor enlargement, extension, expansion or structural alteration to a building or structure dedicated to an industrial, public works, or energy-related nonconforming use may be granted provided that the following findings are made by the Planning Commission at a noticed public hearing:

- 1) The improvement has a demonstrable public health and safety, or environmental benefit (e.g., would reduce the risk of a hazardous material spill or reduce air emissions).
- 2) The improvement does not result in any new un-mitigated significant environmental impacts.
- 3) The improvement does not result in an increase in the overall intensity of use beyond the existing permitted use (e.g., output/throughput per day) or, for facilities where no permits exist, would not increase the overall intensity of use beyond the current operating limits.
- 4) The improvement does not extend or expand the existing developed industrial site boundary within a parcel.
- 5) The improvement does not result in an expansion or extension of life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing an environmental benefit.
- 6) The improvement does not allow for processing of "new production" as defined Section 35-154.

- 7) If prior Limited Exception Determinations have been made for the same nonconforming use under this section, the successive Limited Exception Determinations cumulatively provide a public health and safety or environmental benefit.
8. **Parking.** If a use is nonconforming with existing parking standards, the building or structure devoted to such use may be altered but the use may not be intensified, extended, or expanded in a manner that would increase the required number of parking spaces pursuant to Division 6, Parking, unless a) the use is brought into conformance with the requirements of Division 6, Parking, or b) a modification to the parking requirements has been approved.

Sec. 35-162. Nonconforming Buildings and Structures. *(Amended by Ord. 4227, 6/18/96)*

If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.

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. *(Amended by Ord. 4318, 6/23/98, Ord. 4557, 12/7/04)*
 - 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.
2. **Damage.** The purpose of this section is to identify the standards for allowing the restoration or reconstruction of a nonconforming structure that is damaged by fire, flood, earthquake or other natural disaster.
 - a. Except for single family residential buildings or structures and greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development in the Carpinteria Agricultural Overlay District, where a nonconforming building or structure is damaged by fire, flood, earthquake, or other natural disaster to an extent of 75 percent or more of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may not be reconstructed unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the structure should reconstruction of the nonconforming structure be denied. *(Amended by Ord. 4529, 4/20/04)*

- b. Where damage to a nonconforming, non-single family residential building or structure is to an extent of less than 75 percent of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may be restored to the same or lesser size in the same general footprint location.
- c. If a nonconforming single family residential building or structure is damaged or destroyed by fire, flood, earthquake, or other natural disaster, such building or structure may be reconstructed to the same or lesser size in the same general footprint location.
- d. Notwithstanding the above, additional provisions exist in Section 35-214 of Division 15 (Montecito Community Plan Overlay District) for parcels identified within the Montecito Community Plan Overlay zone, and in Section 35-194 of Division 16 (Toro Canyon Plan Overlay District) for parcels identified within the Toro Canyon Plan Overlay zone, which, in the case of conflict, shall take precedence over this Section. *(Amended by Ord. 4572, 4/27/04)*
- e. Where damage to a nonconforming greenhouse, packing and shipping facility, shade and hoop structure, or greenhouse related structure in the Carpinteria Agricultural Overlay District, by fire, flood, earthquake, or other natural disaster, is to an extent of 75 percent or more, such structure may be reconstructed in accordance with the provisions of Section 35-102F (Carpinteria Agricultural), thereby becoming a conforming structure. *(Added by Ord. 4529, 4/20/04)*
- f. The restoration permitted above shall commence within 24 months of the time of damage and be diligently carried to completion. If the restoration of such building or structure does not commence within 24 months it shall not be restored except in conformity with the applicable zone district regulations and other provisions of this Article.
- g. The restoration of a nonconforming building or structure that is damaged by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building or structure complies with the provisions of this Section and if the building or structure conforms to the specifications documented to exist prior to the damage as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building or structure is proposed to be altered from the original specifications, the restoration shall be subject to all applicable permit requirements of this Article. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-163. Construction in Progress. *(Amended by Ord. 4227, 6/18/96)*

To avoid undue hardship, nothing in this DIVISION shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or any amendment of this Article rendering the building or structure or its use nonconforming and upon which actual construction has been carried out diligently. Actual construction is hereby defined as the placing of

construction material in permanent position and fastened in a permanent manner.

Sec. 35-164. Termination of Nonconforming Uses.

In addition to the provisions for termination of certain nonconforming uses contained elsewhere in this Division, any nonconforming use or uses of either land or buildings or both may be ordered terminated by the Board of Supervisors after a public hearing as provided hereafter in Section 35-166, if one or more of the three following conditions is found to apply to any such nonconforming use or uses.

1. That the condition of the improvements, if any, on the property are such that to require the property to be used only for those uses permitted in the zone where it is located would not impair the constitutional rights of any person; or
2. That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person; or
3. Except in the case of a dedicated cemetery, that the nonconforming use is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance.

Sec. 35-165. Unpermitted Expansion of Nonconforming Uses.

After a public hearing, as provided hereinafter under Section 35-166 any expansion of or change in a nonconforming use of buildings or land, or both, not expressly permitted under and strictly in accordance with the terms of this Article and especially this Division, nor required by law, may be ordered terminated by the Board of Supervisors.

Sec. 35-166. Termination Procedure.

1. All nonconforming uses to be terminated under the provisions of this Division may be ordered terminated by the Board of Supervisors upon following the procedure prescribed in this Section. Any disobedience of an order of termination of the Board of Supervisors made pursuant hereto, as well as any continuance of any nonconforming use beyond the express period of time prescribed in this Section shall be deemed a violation of the terms of this Article. Upon recommendation of the Planning Commission, or upon petition by a person or persons affected by a nonconforming use of buildings or land or both, or on its own initiative, the Board of Supervisors may set a date for, and call a public hearing to determine whether or not a nonconforming use of land or buildings or both, or an unpermitted expansion of or change in such use should not be ordered terminated. Fifteen days notice of such hearing shall be given by publication once in a newspaper of general circulation in the County of Santa Barbara or in the area where the affected property is located, and by service upon the owner or owners of the land and upon the person operating or maintaining such nonconforming use, if not the owner. Service of such notice shall be either personal or by mail addressed to the last known address of the person to be served. Said notice shall specify the date, time and place of said hearing and shall specify the grounds on which said nonconforming use or changes or expansion thereof is sought to be terminated.
2. All hearings held under this Section by the Board of Supervisors shall be open to the

general public, be presided over by the Chairman, vice chairman or acting chairman of the Board of Supervisors, and the proceedings shall be reported by a phonographic reporter. The owner or owners, the party or parties maintaining the nonconforming use, the Board of Supervisors and all other interested persons may be represented by attorneys of their own choosing, may submit written and oral evidence provided that oral evidence shall be taken only on oath or affirmation, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called him to testify and to rebut the evidence against him. If the person or persons maintaining the said nonconforming use do not testify in their own behalf, they may be called and examined as if under cross-examination.

3. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.
4. The Board of Supervisors shall render its decision in writing, containing findings of fact, within 30 days after the date on which the public hearing was completed and closed. It shall deliver copies by mail or personally to the parties concerned in said hearing. Failure to so render such decision within said 30 days or any extension thereof stipulated to by the parties shall be deemed to permit the continuance of said nonconforming use or said expansion thereof or change thereto, which was the subject of said hearing. The said decision shall, if it ordered said nonconforming use, or change thereto or expansion thereof terminated, specify such time within which the person so maintaining such nonconforming use or change thereto or expansion thereof, shall so terminate as the Board of Supervisors deems reasonable and proper under the circumstances.
5. Hearings may be continued from time to time by the Board of Supervisors.
6. Judicial review of any order of the Board of Supervisors made hereunder may be had by filing a petition for a writ of mandate in accordance with the provisions of the California Code of Civil Procedure.

Sec. 35-167. Reserved For Future Use.

Sec. 35-168. Reserved For Future Use.

DIVISION 11 PERMIT PROCEDURES

Sec. 35-169. Coastal Development Permits. *(Amended by Ord. 4594 & 4595, 3/5/08)*

Sec. 35-169.1 Purpose and Intent.

This Section establishes procedures and findings for the approval, issuance and effective time periods for Coastal Development Permits that are required by this Article. The intent of this section is to ensure that development is in conformity with the provisions of this Article, the Comprehensive Plan including the Coastal Land Use Plan and any applicable Community Plan and any permit conditions established by the County, and to provide public hearing opportunities for development that is defined as appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

Sec. 35-169.2 Applicability.

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued unless other regulations of this Article specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all 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:
 - a. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities (see Section 35-169.10).
 - b. The installation of fences, walls, gates and gateposts pursuant to Section 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.
 - c. Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.
 - d. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (see Section 35-169.10).
 - e. Buildings or structures, except for telecommunications facilities regulated under Sections 35-144F and 35-144G, having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.
 - f. The addition of solar collection systems to existing buildings or structures.
 - g. Grading, excavation, or fill which does not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.
 - h. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Public Resources Code Section 30519).
 - i. The following improvements and structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat

area:

- 1) Decks, platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are not over 30 inches above grade and not over any basement or story below.
 - 2) Skylights, windows, and doors.
 - 3) Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.
 - 4) Spas, hot tubs and fish ponds that do not exceed 120 square feet of total development, including related equipment, or contain more than 2,000 gallons of water.
 - 5) One-story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings or structures do not exceed 12 feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required.
 - 6) Retaining walls (retaining earth only) which are not over four feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code.
 - 7) Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork.
 - 8) In the RR, A-I, and A-II districts, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities.
- j. Propane tanks located in residential or agricultural zone districts.
- k. Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.
- l. Seismic retrofits to existing structures. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
- m. Pursuant to the intent of Section 30610 (g) of the Public Resources Code and this Article, the restorations or reconstruction of conforming buildings or structures, other than a public works facility, damaged or destroyed by a disaster, as determined by Planning and Development. For the purposes of this Section only, disaster shall be defined as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners. The restored or replaced structure shall conform to all provisions of the zone district requirements (including permitted uses), shall be for the same use, shall be in the same footprint location, shall not exceed either the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section only, the definition of structure shall include landscaping and any erosion control structure or device; and bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If the Planning and Development Department determines that the exterior design or specifications are proposed to be

changed, the restored or replaced structure, shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District).

- n. Ground or roof mounted receive only satellite dish and wireless television antenna one meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television).
 - o. Interior alterations that do not result in an increase in the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
 - p. Recordation of a Final or Parcel map following an approved tentative map, except vesting tentative maps.
2. The approval of a development plan as provided in Section 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.

Sec. 35-169.3 Contents of Application.

As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include:

- 1. A site plan which shall indicate clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.
 - c. Lot dimensions and boundaries.
 - d. All proposed and existing buildings and structures and their locations, size, height, and use.
 - e. Distance from proposed structure(s) to property lines, centerline of the street or alley and other existing structures on the lot.
 - f. Walls and fences: location, height and materials.
 - g. Name and widths of streets (right-of-way) abutting the site.
 - h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
 - i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
 - j. Signs: location, size, height and method of illumination.
 - k. Loading zones: location, dimensions, number of spaces.
 - l. Lighting: general nature, locations and hooding devices.
 - m. Proposed street dedications and improvements.
 - n. Landscaping, if required.
 - o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
 - p. For commercial and industrial projects indicate where applicable:

- 1) Number of motel or hotel units.
- 2) Seating capacity or square footage devoted to patrons.
- 3) Total number of employees.
- q. All easements.
2. Source of water supply including a can and will serve letter from a public or private water district.
3. Any other information that the Planning and Development Department may require.

Sec. 35-169.4 Processing. *(Amended by Ord. 4584, 11/22/05; Ord. 4594 & 4595, 3/5/08)*

1. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.

- a. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- b. The Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit.
- c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- d. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - 4) Until all other necessary prior approvals have been obtained.

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- e. If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

- f. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- g. Prior to approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Sections 35-181 (Noticing).
- h. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

2. Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.

- a. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- c. The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.e below on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
- d. Notice of the time and place of the hearing shall be given in compliance with Section 35-181 (Noticing).
- e. The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements:
 - 1) The project qualifies as “minor development” which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
 - 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
 - a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken

by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the Coastal Commission.

- 3) A written request for public hearing is not received by the Planning and Development Department within 15 working days immediately following the date the notice, required in compliance with Section 35-169.4.2.e.2 above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.

- f. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
- g. A Coastal Development Permit approved in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - 4) Until all other necessary prior approvals have been obtained.
 - 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- h. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- i. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- j. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for

Coastal Development Permits for development that also require a Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174).

- a. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or a Final Development Plan.
- b. The decision-maker for the Conditional Use Permit or Final Development Plan as applicable shall be the decision-maker for the Coastal Development Permit.
 - 1) The Zoning Administrator shall be the decision-maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Section 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- c. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- d. The decision-maker shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations.
- e. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- f. For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with Section 35-174.6.6.b.
- g. For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the requested Coastal Development Permit.
- h. Notice of the time and place of any applicable public hearing shall be given in compliance with Section 35-181 (Noticing).
- i. The action of the decision-maker on a Coastal Development Permit is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - 2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- j. A Coastal Development Permit approved in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the

appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals);

- 2) Until the applicant has signed the Coastal Development Permit;
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied;
- 4) Until all other necessary prior approvals have been obtained; and,
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- k. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- l. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- m. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

Sec. 35-169.5 Findings Required for Approval of a Coastal Development Permit.

1. A Coastal Development Permit application that is subject to Section 35-169.4.1 above shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:
 - a. The proposed development conforms:
 - 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;
 - 2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).
 - b. The proposed development is located on a legally created lot.
 - c. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10

(Nonconforming Structures and Uses).

2. A Coastal Development Permit application that is subject to Section 35-169.4.2 above, shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:
 - a. Those findings specified in Section 35-169.5.1, above.
 - b. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. The development is compatible with the established physical scale of the area.
 - d. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.
3. A Coastal Development Permit application that is subject to Section 35-169.4.3, above shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:
 - a. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.1 above.
 - b. Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.2 above.

Sec. 35-169.6 Expiration.

1. **Coastal Development Permits approved in compliance with Section 35-169.4.1 and 35-169.4.2.**
 - a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.
 - b. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.
 - c. Prior to the expiration of such two year period in 1.b above, the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
2. **Coastal Development Permits approved in compliance with Section 35-169.4.3.**
 - a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.
 - 1) Prior to the expiration of a time extension approved in compliance with Subsection 2.a above, the decision-maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

- b. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.
- c. A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 2.a and/or 2.b above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

Sec. 35-169.7 Coastal Commission Changes to the County Action on Coastal Development Permit.)

Where an appeal has been filed with the Coastal Commission in compliance with Section 35-182 (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit is final. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically amended to conform to the Coastal Commission's approved Coastal Development Permit for the project or automatically terminated to conform to the Coastal Commission's disapproval of the Coastal Development Permit.

If the County has disapproved the Coastal Development Permit and the Coastal Commission approved the permit, the applicant must reapply to the County for approval of the other required but previously denied project permits (i.e., Development Plan, Conditional Use Permit) in order for the County to impose appropriate conditions. However, the County's action on said re-applications must be consistent with the approved Coastal Development Permit. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Subdivision/Development Review Committee, the Director may waive this reapplication requirement.

Sec. 35-169.8 Revocation.

Issuance of the Coastal Development Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director may revoke this Permit and all authorization for development. Written notice of such Revocation shall be provided to the permittee. The decision of the Director to revoke the Coastal Development Permit may be appealed in compliance with Section 35-182 (Appeals).

Sec. 35-169.9 County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development.

The County hereby adopts by reference and incorporates herein the "County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development," as related to Section 35-169.2, paragraphs 1. and 4., and approved by the Board of Supervisors as a separate document. Said guidelines may be obtained from the Planning and Development Department. (See Appendix C of this publication.)

Sec. 35-169.10 Minor Changes to Coastal Development Permits.

Minor changes to an approved or issued Coastal Development Permit shall be allowed provided that the changes materially conform with the approved or issued permit. Such requests shall be processed as follows:

1. The Planning and Development Department may approve a minor change (e.g., interior alterations to the structure) to an approved or issued Coastal Development Permit subject to all of the following:
 - a. The Department determines that the minor change materially conforms with the approved

plans and the originally approved or issued permit,

- b. There is no change in the use or scope of the development,
 - c. The minor change does not result in a change to the Planning and Development Department's conclusions regarding the project's specific conformance to development standards and findings, and
 - d. The Coastal Development Permit has not expired.
 - e. The minor change is exempt from review by the Board of Architectural Review, pursuant to Section 35-184.3.
2. Where a minor change of an approved or issued Coastal Development Permit is approved, such permit shall have the same effective and expiration dates as the original Permit and no additional public notice shall be required.
 3. The determination to allow a minor change to an approved or issued Coastal Development Permit, not defined as an Appealable Development under Section 35-58 of this Article (Definitions), shall be final and not appealable.

Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit, subject to the above criteria, a new Coastal Development Permit shall be required.

Sec. 35-170. Abandonment of Certain Oil/Gas Land Uses. *(Added by Ord. 4550 9/21/04)*

Sec. 35-170.1 Purpose and Intent

This section establishes procedures to achieve the timely abandonment of applicable land uses, and following such abandonment, the timely and proper removal of applicable oil and gas facilities, reclamation of host sites, and final disposition of pipelines, in compliance with applicable laws and permits. Such procedures ensure appropriate due process in differentiating idled from abandoned facilities and protect the vested rights of permittees while also ensuring that facilities with no reasonable expectation of restarting are removed, pursuant to the intent of enabling development permits. Timely abandonment provides a public benefit by avoiding unnecessary delays in remediating any residual contamination that may result during operations, and providing an effective means of mitigating several significant environmental and socioeconomic effects, including aesthetics, compatibility with surrounding land uses, and risk of default on demolition and reclamation obligations by the permittee.

Sec. 35-170.2 Applicability.

Section 35-170 shall apply to the following land uses within the unincorporated area of the County:

1. All permitted uses defined in Sections 35-154, 35-155, 35-156, 35-158 , and 35-159 of this Article that handle, or at one time handled, oil, natural gas, natural gas liquids, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Article or any preceding ordinance. *(Amended by Ord. 4602, 3/21/06)*
2. All permitted uses defined in Section 35-157 of this Article, regardless of whether these uses were permitted in accordance with this Article or any preceding ordinance.
3. All pipeline systems defined in Section 35-290, except for public utility natural gas transmission and distribution systems such as The Gas Company, that transport, or at one time transported, oil, natural gas, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in accordance with this Article or any preceding zoning ordinance.

4. Unless specifically stated otherwise, reclamation of sites and corridors used to support any of the operations identified in Sections 35-170.2.1, 2 or 3, above.

Sec. 35-170.3 Requirement to File an Application.

1. The permittee of a permitted land use shall submit an application to the Director for a Demolition and Reclamation Permit (Section 35-170.9 *et seq.*) upon intentional abandonment of a permitted land use, or an independent business function thereof.
2. The permittee of a permitted land use shall submit an application to the Director either to defer abandonment (Section 35-170.4 *et seq.*) or to obtain a Demolition and Reclamation Permit (Section 35-170.9 *et seq.*) upon the occurrence of either of the following:
 - a. Any event designated in an existing County permit that would require consideration of abandonment; or
 - b. The permitted land use or an independent business function of a permitted land use has become idle.

Sec. 35-170.4 Filing an Application to Defer Abandonment.

Any permittee subject to the requirements of Section 35-170.3.2 may file an application to defer abandonment, which shall be considered by the Director. The application shall be filed no later than 90 days after an event specified in Section 35-170.3.2 has occurred.

Sec. 35-170.5 Contents of Application to Defer Abandonment.

The application to defer abandonment shall be in a form and content specified by the Director and this chapter. Such applications shall contain the following:

1. Name, address, and contact information for permittee;
2. Name, address, and general description of the permitted land use
3. Date when permitted land use first became idle.
4. Reason for idle status.
5. Status of upstream production facilities, where applicable.
6. Listing of facility equipment that has been identified on a plan (submitted in satisfaction of a County, Fire, or Air Pollution Control District permit) and has been either removed from the site or is not currently in operational condition. Include an explanation of the affect this missing or inoperable equipment has on ability to restart operations and run all processes. Also explain measures necessary to bring inoperable equipment back into operational condition.
7. Plans and schedule to restart operations and identification of any facility components that would remain inactive after restart.
8. Identification of reasonable circumstances that may hinder the restart of operations according to plan and schedule.
9. Any other information deemed necessary by the Director.

Sec. 35-170.6 Processing of Application to Defer Abandonment.

1. The Director shall determine the completeness of any application and issue a completeness letter within 30 days of receipt. If the application is deemed incomplete, the Director shall specify in detail the deficiencies in the application.
2. The applicant shall submit information in response to an incompleteness letter within 60 days of receipt or, if it is not practicable to respond within a 60-day period, shall request an extension,

not to exceed 60 additional days (total of 120 days to respond), within which to provide the required information.

3. The Director may choose, at his or her discretion, to conduct a public hearing to consider any application to defer abandonment. The public shall be given all reasonable opportunity to review the Director's recommended decision no less than ten days prior to conducting a public hearing on any application to defer abandonment in accordance with applicable noticing procedures specified in Section 35-181.
4. The Director shall refer an application to defer abandonment to the Fire Department and Air Pollution Control District for review and comment.

Sec. 35-170.7 Decision on Application to Defer Abandonment.

1. **Decisions for Idle Facilities.** The Director shall grant the application unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting the facility within a reasonable period of time. Notwithstanding the above, the Director shall approve the application for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate. The Director shall consider all relevant evidence in determining if a permitted land use has been abandoned, including whether any of the following have occurred:
 - a. The oil and gas leases that have supplied the permitted land use with product have terminated.
 - b. The oil and gas operations that have supplied the permitted land use with product have been abandoned.
 - c. For oil/gas land uses designated as consolidated facilities and sites under the zoning code, there are no other existing offshore leases that may reasonably be expected to use the consolidated facility or site in the next 10 years.
 - d. Major and essential components of a land use, or an independent business function thereof, have been removed from the site or have fallen into such disrepair that they are no longer functional.
 - e. Permits or other entitlements for the land use, such as permits from the Air Pollution Control District, have been surrendered, expired, revoked or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire such permits.
 - f. The Fire Department has issued an order requiring abandonment.
 - g. Any other evidence that shows clear intent to abandon.
2. **Decisions for Consideration of Abandonment under Permit Conditions.** The Director shall grant the application unless:
 - a. The Director finds under the applicable existing permit condition that abandonment of the permitted land use or independent business function thereof is required without further delay; and
 - b. The permittee no longer has a vested right to continue operation.
3. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.
4. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182.

Sec. 35-170.8 Deferral Period and Extensions of Approval to Defer Abandonment.

The Director may approve an abandonment deferral for a period not to exceed 24 months from the occurrence of an event defined in Section 35-170.3.2.a or b. The Director may extend this period for one-year increments upon timely application by the operator. Applications for extensions shall be filed 90 days prior to the end of the approved abandonment-deferral period and shall contain the information specified in section 35-170.5, above. Deferrals and extensions shall not be granted if another County agency, such as the Fire Department, has properly denied the deferral or extension.

Section 35-170.9 Filing an Application for a Demolition and Reclamation Permit.

Any permittee of a permitted land use that has not filed an application to defer abandonment pursuant to Section 35-170.4, or who has filed and that application has been denied, shall file an application for a Demolition and Reclamation Permit. The application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an application to defer abandonment has been denied and all administrative appeals have been exhausted. If no application to defer abandonment has been filed, an application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an event in Section 35-170.3.1 or 35-170.3.2 has occurred. The Director may grant extensions of time for good cause.

Section 35-170.10 Content of Application for a Demolition and Reclamation Permit.

The application for a Demolition and Reclamation Permit shall contain the following.

1. Name, address, and contact information for permittee.
2. Name, address, and general description of the permitted land use.
3. Gross and net acreage and boundaries of the property.
4. Location of all structures, above and underground, proposed to be removed.
5. Location of all structures, above and underground, proposed to remain in-place.
6. Location of all utilities on the property.
7. Location of all easements on or adjacent to the property that may be affected by demolition or reclamation.
8. To the extent known, the type and extent of all contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any such requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
9. Location of areas of geologic, seismic, flood, and other hazards.
10. Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.
11. Location and use of all buildings and structures within 50 feet of the boundaries of the property.
12. A proposed decommissioning plan that details the activities involved in removing structures from the site, including the following details: estimated number of workers required on site to decommission facilities and structures, disposition of equipment and structures proposed for decommissioning, projected method of transporting equipment, structures, and estimated debris from the site to the place of disposition as well as number of trips required, and an estimated schedule for decommissioning facilities.
13. A proposed waste-management plan to maximize recycling and minimize wastes.

14. Other permit applications as may be required by the Santa Barbara County Code to retain any existing structures, roadways, and other improvements to the property that were ancillary to the oil or gas operations and are proposed to be retained to support other existing or proposed uses of the property following abandonment of the oil and gas operations.
15. A proposed grading and drainage plan.
16. A proposed plan to convert site to natural condition or convert to another proposed land use, including a detailed schedule for restoring the site. In the latter case, include other applicable permit applications required, if any, for the proposed land use.
17. A statement of intent as to the disposition of utilities that served the oil and gas operations, including water, power, sewage disposal, fire protection, and transportation.
18. Measures proposed to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
19. Any other information deemed necessary by the Director to address site-specific factors.

Section 35-170.11 Processing of Demolition and Reclamation Permit.

1. The Planning and Development Department shall process applications for Demolition and Reclamation Permits through environmental review after determining such applications to be complete.
2. The Planning and Development Department shall process complete applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question. However, Demolition and Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. The Planning and Development Department Director shall consider complete applications for Demolition and Reclamation Permits and shall approve, conditionally approve, or deny the application. Any denial shall be accompanied by an explanation of changes necessary to render approval of the application.
4. The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.
5. The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182.
6. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

Section 35-170.12 Findings Required for Approval of a Demolition and Reclamation Permit.

A Demolition and Reclamation Permit shall only be approved if all of the following findings are made:

1. That significant adverse impacts to the environment due to demolition and reclamation are mitigated to a level of insignificance or, where impacts cannot feasibly be mitigated to insignificance, they are mitigated to the maximum extent feasible.
2. That, where applicable, streets and highways are adequate and properly designed to carry the

type and quantity of traffic generated by the proposed demolition and reclamation.

3. That any conditions placed upon the operator or responsible party for assessment or remediation of soil or water contamination fully conform with the permitting process and requirements of the Regional Water Quality Control Board and the Santa Barbara County Fire Department.
4. That the proposed reclamation will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood, and will not be incompatible with the surrounding area.
5. That the site will be restored to natural conditions unless any of the following conditions apply:
 - a. Areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived, provided that such development is permitted within five years and the permittee has posted financial assurances acceptable to the Director to assure restoration to natural conditions if the proposed development is not permitted.
 - b. Areas within the site are subject to agricultural uses that do not require a County permit, in which case the restoration will conform to conditions appropriate for such agricultural uses where they occur.

For purposes of this finding, the Director may allow abandonment in-place of specific improvements such as retaining walls or emergency access roads if the Director finds that their removal would be detrimental to the health, safety or welfare of the public or the environment (e.g., undesired destabilization of slopes due to removal of a retaining wall, or eliminating a needed public evacuation route).

6. That any retention of improvements to land has been duly permitted in accordance with the County Code where permits are required.
7. That the proposed reclamation will leave the site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.
8. That the permit conditions contain specific enforceable requirements to ensure the timely closure of the host site and completion of post-closure activities.

Section 35-170.13 Performance Standards for Demolition and Reclamation Permits.

1. All equipment shall be cleaned of oil or other contaminants prior to dismantlement in order to reduce any risk of contamination of soils or water during demolition of the facility to the maximum extent feasible. Where applicable, the permittee shall prepare and submit a Spill Contingency Plan to the Fire Department. This plan shall identify measures to prevent and contain spills during dismantling and removal of facilities, as well as how spills will be cleaned up once they have occurred.
2. The permittee shall obtain all other necessary permits from other agencies and, where applicable, submit proof of permits issued by the California Division of Oil, Gas, and Geothermal Resources to plug and abandon wells or to inject waste water for purposes of disposal into any State oil and gas field prior to issuance of the Demolition and Reclamation Permit.
3. The demolition and reclamation shall be adequately monitored by a qualified individual, funded by the permittee and retained by the County, to ensure compliance with those conditions

designed to mitigate anticipated significant, adverse effects on the environment and to provide recommendation in instances where effects were not anticipated or mitigated by the conditions in the permit. Pre- and post-reclamation surveys of sensitive resources shall be employed as appropriate to measure compliance.

4. Topsoil shall be stockpiled, covered, and saved for use as topsoil when excavated areas are back-filled, unless such soil is treated onsite or removed for offsite disposal due to contamination.
5. If appropriate, truck traffic transporting materials to and from the site shall avoid arriving or departing the site during the peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays (or other peak-hour periods applicable to the location of the traffic).
6. Adequacy of sight distance, ingress/egress and emergency access shall be verified by the Public Works Department and Fire Department.
7. Measures shall be implemented to inhibit dust generation, where appropriate. Unavoidable generation of dust shall be kept to a minimum through effective controls.
8. The permittee implements a viable recycling plan that meets County approval and includes provisions to maximize recycling of equipment, asphalt, and concrete, and to minimize disposal of wastes into hazardous waste and solid waste management facilities to the maximum extent feasible.
9. Contouring of the land shall be compatible with the surrounding natural topography, unless otherwise approved to accommodate another permitted use or required drainages.
10. Appropriate measures shall be implemented to control erosion both during and after site closure.
11. Establishment of vegetation shall be in conformance with an approved revegetation plan and the following standards:
 - a. In accordance with the County's Fire Plan, as implemented by the County Fire Department, all disturbed areas identified for vegetation shall be disked or ripped to an appropriate depth to eliminate compaction and establish a suitable root zone in preparation for planting, except where such requirement poses a significant adverse environmental impact.
 - b. Native seeds and plants shall be used when returning the area to natural conditions. The Director shall define an acceptable geographic area from which genetically compatible, native-seed stocks may be selected for site restoration in order to protect the genetic integrity and the habitat value of the site and its surrounding area. Other seeds, such a pasture mix, shall be allowed in areas designated for such use.
12. Subsurface segments of inter-facility pipelines may be abandoned in-place except under the following circumstances:
 - a. Presence of the pipeline would inhibit future land uses proposed in an active development application.
 - b. Modeling approved by the United States Army Corp. of Engineers or United States Bureau of Reclamation indicates that segments of the pipeline in erosive locations would become exposed at some time during the next 100 years, and environmental review determines that impacts from exposure and subsequent removal during inclement weather are more significant than removal at the time of abandonment.

13. Appropriate notification has been recorded with the County Clerk-Recorder to update, supersede, or release the recorded rights-of-way where a subsurface pipeline is abandoned in-place. This notice shall describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment, and the operator and owner of the pipeline prior to abandonment.
14. The site shall be assessed for previously unidentified contamination. Any discovery of contamination shall be reported to the Director and the Fire Department. The permittee shall diligently seek all necessary permit approvals, including revisions to the Demolition and Reclamation Permit, if any are required in order to remediate the contamination.
15. The Director, in consultation with other County agencies, may impose other appropriate and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety, and welfare of the public, protect property, preserve the character, natural resources, or scenic quality of the area, or implement the purpose of this Chapter or any other chapter of the County Code.
16. In the case of an Independent Business function of a Permitted Land Use, the Director shall have discretion to determine the timing and extent of the requirements of the Demolition and Reclamation Permit. Factors that the Director may consider include:
 - a. Whether removal of the Independent Business function would substantially reduce the overall footprint of the Permitted Land Use, reduce any significant visual impact, or reduce any significant risk to public safety.
 - b. Whether site restoration is feasible at the time the Independent Business function is removed, compared to deferring site restoration to such time that the entire Permitted Land Use is removed.
17. Appropriate notification has been recorded with the County Clerk-Recorder to describe the presence and location of any contamination left in place under the authority of the Fire Department.

Sec. 35-170.14 Revocation of Entitlement to Land Use.

1. All entitlements provided in any use permits issued under this ordinance, or under any preceding zoning ordinance, to use the facilities shall be automatically revoked and no longer effective upon the County's denial of an application to defer abandonment and exhaustion of available administrative remedies. Requirements of use permits necessary to ensure continued protection of public and environmental health, safety and welfare shall continue in full force and effect, including:
 - a. Conditions that specify liability of the owner, operator, and other persons.
 - b. Conditions that specify payment of County fees and costs.
 - c. Conditions that indemnify the County.
 - d. Where applicable, conditions that specify the County's authority to require abatement of public nuisances or require mitigation of environmental impacts that may occur prior to issuance of a Demolition and Reclamation Permit.
 - e. Where applicable, conditions that require oil spill prevention, preparedness, and response.
 - f. Where applicable, conditions that require emergency preparedness and response.
 - g. Where applicable, conditions that require safety inspections, maintenance, and quality

assurance.

- h. Where applicable, conditions that require site security.
- i. Where applicable, conditions that require fire prevention, preparedness, protection and response.
- j. Where applicable, conditions that require payment of fees, including fees that provide mitigation for ongoing impacts to the environment (e.g., payments to the Coastal Resource Enhancement Fund).
- k. Substantive conditions that address abandonment; however procedural requirements for abandonment, demolition, and reclamation shall conform to Section 35-170 of this Chapter.

Upon revocation of entitlements in a use permit, the Director shall notify the owner or operator and include a list of permit conditions that remain in full or partial force.

- 2. All use permits issued under this ordinance, or under any preceding zoning ordinance, shall be automatically revised to remove any entitlement to continue the use of any independent business function of a permitted land use determined to be abandoned in accordance with Section 35-170. However, permit conditions necessary to ensure continued protection of public and environmental health, safety and welfare, such as those identified in Section 35-170.14.1, shall continue in full force and effect.
- 3. The permittee shall have a grace period of two years from the date of revocation of entitlements in use permits in order to secure a Demolition and Reclamation Permit. The Director may extend the grace period no more than one year, cumulatively, for good cause, or for longer periods for delays attributable to circumstances beyond the permittee's control.
- 4. Upon completion of the grace period, the abandoned land use or independent business function shall be treated as a deserted and illegal land use until such time that the permittee secures approval of a Demolition and Reclamation Permit.

Sec. 35-170.15 Expiration of a Demolition and Reclamation Permit.

- 1. **Requirements.** The permittee shall complete all requirements of the Demolition and Reclamation Permit prior to the expiration of the permit, including any extensions thereof. Failure to do so shall constitute a violation of this Article.
- 2. **Term.** Demolition and Reclamation Permits shall expire upon issuance of a "Reclamation Complete" letter by the Director, which shall be issued upon the satisfactory completion of the required work, or seven years after the date of issuance, whichever occurs sooner. Director's "Reclamation Complete" letter shall certify completion of all required work except for remediation of contamination, which is certified by other agencies.
- 3. **Extensions.** The Director may extend the expiration date of the permit without penalty if the closure or re-vegetation of the site was delayed by circumstances reasonably beyond the permittee's control. Otherwise, Director may extend the expiration date of the permit with penalties, pursuant to Section 35-185 of this Article, in order to realize completion of all site closure and post-closure requirements. If the permittee requests a time extension for this project, the Director may revise the Demolition and Reclamation Permit to revise conditions and mitigating measures or to add new conditions and mitigating measures, which reflect changed circumstances, including newly identified impacts.

Sec. 35-171. Emergency Permits.

Sec. 35-171.1 Purpose and Intent.

The purpose of this section is to establish procedures for the issuance of Emergency Permits. The intent of this section is to alter the procedures for permit processing, and the permit requirements of this Article, in the case of an emergency. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-171.2 Applicability

When emergency action by a person or public agency is warranted, the requirements of obtaining a Coastal Development Permit otherwise required by this Article may be temporarily deferred by the Director, and the Director may grant an Emergency Permit prior to a Coastal Development Permit or other required discretionary permit. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-171.3 Application Procedures.

1. Method. Applications in cases of emergencies shall be made to the Director by letter if time allows, and by telephone or in person if time does not allow.
2. Information required. Applications should contain the following information:
 - a) The nature of the emergency;
 - b) The cause of the emergency; *(Amended by Ord. 4227, 6/18/96)*
 - c) The location of the emergency;
 - d) The remedial, protective, or preventive work required to deal with the emergency;
 - e) Where applicable, the circumstances during the emergency that appeared to justify any course(s) of action undertaken, including a description of that course of action and the probable consequences of failing to take action;
 - f) The identities of other public agencies alerted to the emergency;
 - g) The access routes to the emergency site(s);
 - h) The identities of, and means of contact with, the individual(s) directing the emergency action;
 - i) Disclosure of whether or not the applicant has made any prior or concurrent request to the California Coastal Commission for an emergency waiver of permit requirements pursuant to Public Resources Code Section 30611; and
 - j) Any other reasonable information which the Director deems necessary to evaluate the application.

Sec. 35-171.4 Verification of Emergency. *(Amended by Ord. 4227, 6/18/96)*

The Director shall verify the facts, including the existence and nature of the emergency, prior to granting the Emergency Permit.

Sec. 35-171.5 Procedure for Granting Permit *(Amended by Ord. 4227, 6/18/96)*

1. A public notice of the emergency work shall be mailed to property owners within 300 feet of the subject property and residents within 100 feet of the subject property and such notice shall be posted in three locations on the project site. Notice is not required to precede commencement of emergency work. *(Amended by Ord. 4318, 6/23/98)*

2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, a requirement for a subsequent Coastal Development Permit, and a requirement for any discretionary permit required by this Article, if the Director finds that:
 - a. An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit; and
 - b. Public comment on the proposed emergency action has been reviewed; and
 - c. The action proposed is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.
3. The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for a Coastal Development Permit and any discretionary permit required by this Article shall be made no later than 30 days following the granting of an Emergency Permit; any materials required for a completed application shall be submitted within 90 days after the issuance of the emergency permit, unless this time period is extended by the Planning and Development Department. *(Amended by Ord. 4094, 4/6/93; Ord. 4227, 6/18/96)*
4. The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of Public Resources Code Section 30624.

Sec. 35-171.6 Reporting Requirements of the Director.

1. The Director shall report, in writing, to the California Coastal Commission and to the Board of Supervisors at its first scheduled meeting after the Emergency Permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.
2. The report of the Director shall be informational only; the decision to issue an Emergency Permit is solely at the discretion of the Director subject to the provisions of Section. 35-171 *et seq.*

Sec. 35-172. Conditional Use Permits. *(Amended by Ord. 4594 & 4595, 3/5/08)*

Sec. 35-172.1 Purpose and Intent.

The purpose of this section is to provide for uses that are essential or desirable but cannot be readily classified as principal permitted uses in individual districts by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this section is to provide the mechanism for requiring specific consideration of these uses.

Sec. 35-172.2 Applicability.

The provisions of this section shall apply to those uses listed below under Section 35-172.4 and .5, and those uses listed in the “Uses Permitted with a Conditional Use Permit” section of the various zone districts, Division 8, Services, Utilities and Other Related Facilities and Division 9, Oil and Gas Facilities.

Sec. 35-172.3 Jurisdiction.

1. The Zoning Administrator shall have jurisdiction for all Minor Conditional Use Permits and the Planning Commission shall have jurisdiction for all Major Conditional Use Permits.

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, walls, gates and gateposts pursuant to Section 35-123 (Fences, Walls, Gates and Gateposts).
2. Special Care Homes, except as provided in Section 35-143.4.
3. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article, except as provided in Section 35-144H (Wildlife Species Rehabilitation).
4. Communication facilities, as specified in and governed by Section 35-144F.
5. Child care facilities, as defined in Section 35-58, Definitions.
6. Uses, buildings, and structures accessory and customarily incidental to the above uses.

Sec. 35-172.5 Major Conditional Use Permits.

The following uses may be permitted provided the Planning Commission can make the findings set forth in Section 35-172.8 (Findings).

1. Except for the AG-I, AG-II, Residential Ranchette and Resource Management Districts, the following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit.
 - a. Clinics
 - b. Club
 - c. Conference center
 - d. Country clubs
 - e. Hospitals, sanitariums nursing homes, and rest homes.
 - f. Library
 - g. Mausoleum
 - h. Mortuary, crematory or funeral home
 - i. Museum
2. The following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit.
 - a. Airstrip - temporary
 - b. Cemetery
 - c. Church
 - d. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Section 35-172.13.

- e. Educational facilities, not including child care facilities.
- f. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint).
- g. Extraction and processing of natural, carbonated or mineral waters for sale including but not limited to, storage, bottling and shipping operations.
- h. Fairgrounds
- i. Golf courses and driving ranges
- j. Helistops
- k. Communication facilities, as specified in and governed by Section 35-144F.
- l. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Section 35-177 (Reclamation Plans).
- m. Polo fields and playing field for outdoor sports.
- n. Rodeo
- o. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Section 35-172.13.
- p. Stable, commercial (including riding and boarding).
- q. Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution.

Sec. 35-172.6 Contents of Application.

1. As many copies of a Conditional Use Permit application as required by the Director shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Section 35-174.5) as are applicable to the request.
 - a. If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except as follows:
 - 1) The Coastal Commission approves the Coastal Development Permit when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission pursuant to Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

The application for the Coastal Development Permit shall contain all of the submittal requirements for a Coastal Development Permit (Section 35-169) that the Director of the Planning and Development Department determines to be applicable to the request.

2. In the case of a Conditional Use Permit application where the project is subject to Development

Plan requirements (Section 35-174), a Development Plan shall be required in addition to obtaining a Conditional Use Permit except for those uses listed in Section 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations - Applications That Are Within The Jurisdiction Of More Than One Final Decision Maker) and Section 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.
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following:
- a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35-144F.3.3 provided that any structure constructed or erected as part of the telecommunications facility (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Section 35-144F.5.4 (Project Abandonment/Site Restoration).

Sec. 35-172.7 Processing.

1. After receipt of an application for a Conditional Use Permit, the Planning and Development Department shall review the application in compliance with the California Environmental Quality Act.
2. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
3. The Planning and Development Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.
4. The decision-maker shall hold at least one public hearing on the requested Conditional Use Permit and Coastal Development Permit, if applicable, and approve, conditionally approve, or deny the request.
5. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
6. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - a. In compliance with Public Resources Code Section 30603, a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission in compliance with in Section 35-182.4 (Appeals).
7. Conditional Use Permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
8. If a Revised Conditional Use Permit is required as provided in Section 35-172.11, it shall be

processed in the same manner as the original permit. When approved by the decision-maker, such revised permit shall automatically supersede any previously approved permit.

Sec. 35-172.8 Findings Required for Approval.

A Conditional Use Permit application shall only be approved or conditionally approved only if decision-maker first makes all of the following findings:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.
2. That adverse environmental impacts are mitigated to the maximum extent feasible.
3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.
7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.
8. That the project will not conflict with any easements required for public access through, or public use of the property.
9. That the proposed use is not inconsistent with the intent of the zone district.

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

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit authorizing such development and/or use shall be obtained.
2. **Land Use Permit required.** Before the commencement of the development and/or use authorized by a Conditional Use Permit a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).
 - a. Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.
3. **Time limit.** At the time of approval of a Conditional Use Permit, a time limit shall be established within which the Land Use Permit shall be issued.
 - a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - b. If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal

period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.

- c. The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
 - 1) A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.
 - 2) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
- d. A Conditional Use Permit shall be considered void and of no further effect if:
 - 1) The required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved, or
 - 2) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.

- 4. **Conditional Use Permit void.** A Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the decision-maker with jurisdiction over the project, in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction), one time for good cause shown provided a written request that includes a statement of the reasons for the time extension request, is filed with the Planning and Development Department prior to expiration date.

Sec. 35-172.10 Revocation.

If the decision-maker with jurisdiction over the project determines at a noticed public hearing pursuant to Section 35-181 (Noticing) that the permittee is not in compliance with one or more of the conditions of the Conditional Use Permit, the decision-maker with jurisdiction over the project may revoke the Conditional Use Permit or direct that the permittee apply for an Amendment or Revision pursuant to Section 35-172.11.

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

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

- 1. **Substantial Conformity.** The Director may approve a minor change to a Conditional Use Permit, if the Director determines that the change is in substantial conformity with the approved Conditional Use Permit, pursuant to the County's Substantial Conformity Guidelines.
 - a. No public noticing or public hearing shall be required for Substantial Conformity Determinations.
 - b. The action of the Director is final and not subject to appeal.
 - c. Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance

with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.

- 1) **Coastal Development Permit required.** If the development and/or use allowed by the Conditional Use is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit findings required in Section 35-169 (Coastal Development Permits), shall be made by the review authority that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Conditional Use Permit.
- 2) **Land Use Permit required.** If the development and/or use allowed by the Conditional Use Permit is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Land Use Permit, an additional finding in addition to the Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the review authority that the development and/or use allowed by the Land Use Permit substantially conforms to the Conditional Use Permit.

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

- a. The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency as a part of the approved permit.
- b. All of the following additional findings can be made:
 - 1) In addition to the findings required for approval of a Conditional Use Permit set forth in this Section 35-172.8, the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved.
 - 2) The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However, notice shall be given at least 10 days prior to the date of the decision as provided in Section 35-181 (Noticing). The decision-maker may approve, conditionally

approve, or deny the Amendment.

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

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

3. Revisions.

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

Sec. 35-172.12 Conditions, Restrictions, and Modifications.

1. At the time the Conditional Use Permit is approved, or subsequent Amendments or Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, number of stories, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications and is consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article.
3. The Director, Zoning Administrator, Planning Commission or Board of Supervisors may require as a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the preservation of trees existing on the property.

Sec. 35-172.13 Additional Requirements.

In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below:

1. **Mortuaries, Crematories, and Funeral Homes.** Subject to the issuance of a Conditional Use Permit, mortuaries, crematories, and funeral homes may be permitted in the following locations:
 - a. Within cemeteries operating under a valid use permit;
 - b. On any parcel of land abutting such a cemetery; or

- c. On property zoned to permit multiple family dwellings where such property abuts upon or is directly across the street from property zoned for industrial purposes.

In all such locations, the Planning Commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive, that adequate off-street parking space is provided for funeral procession assembly areas.

- 2. **Handicraft Industries.** A Conditional Use permit may be issued under the provisions of this section for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions, and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed.

A Conditional Use Permit for such use may only be issued subject to the provisions of this section and to the following conditions and to any further conditions which are necessary to protect the public peace, health, safety, and general welfare, to maintain property values in the neighborhood, and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection, and neighborhood character:

- a. All manufacturing activities shall be conducted within a completely enclosed building having a total floor area which is not to exceed 2,500 square feet.
- b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall approved by the Zoning Administrator.
- c. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point along the boundary of the property upon which the use is located.
- d. The use shall create no objectionable noise or vibration.
- e. No smoke or dust shall be created except from the heating of buildings.
- f. Not more than five persons shall be employed on the premises in connection with such use.

- 3. **Seawalls and Shoreline Structures.**

- a. Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible, natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.
- b. Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

4. Electrical Transmission Lines.

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas re-vegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- b. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

- 5. Drive-Through Facilities.** In considering an application for such a Conditional Use Permit, the findings in Section 35-172.8, shall not be used and the permit shall be granted only if the drive-through facility is found to have no greater adverse impact upon air quality than the same use without the drive-through facility.

Sec. 35-173. Variances.

Sec. 35-173.1 Purpose and Intent.

The purpose and intent of this section is to allow variances from the strict application of the provisions of this Article where, because of exceptional conditions such as the size, shape, unusual topography, or other extraordinary situation or condition of such piece of property, the literal enforcement of this Article would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this zoning ordinance.

Sec. 35-173.2 Applicability.

1. The provisions of this section shall apply to all zone districts.
2. Where, because of unusual circumstances applicable to the lot such as size, shape, topography, location or surroundings, the strict application of the zoning regulations to land, buildings and structures would deprive such property of privileges enjoyed by other property in the vicinity with identical zoning, variances may be granted except that:
 - a. In no case shall a variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is situated.
 - b. In no case shall a variance from the procedural regulations of this Article be granted.
 - c. In no case shall a variance from the required number of parking spaces be granted as provided in Section 35-76, Medium Density Student Residential, Section 35-77, High Density Student Residential, and Section 35-102A, Single Family Restricted Overlay District.

Sec. 35-173.3 Jurisdiction.

Upon making the findings required under this section, the Zoning Administrator may approve or conditionally approve variances to the regulations applicable to physical standards for land, buildings, and structures contained in this Article.

Sec. 35-173.4 Contents of Application.

As many copies of a variance application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-173.5 Processing.

1. The Zoning Administrator shall hold at least one noticed public hearing on the requested variance and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
2. The Zoning Administrator, in granting said variance, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
3. The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-173.6 Findings Required for Approval.

A variance shall only be approved if all of the following findings are made:

1. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. That the granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.
4. The applicant agrees in writing to comply with all conditions imposed by the County.

Sec. 35-174. Development Plans. *(Amended by Ord. 4594 & 4595, 3/5/08)*

Sec. 35-174.1 Purpose and Intent.

The purpose of a Development Plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review.

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) 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 were an application for a new project and the jurisdiction shall be determined pursuant to Section 35-174.2.
 - c) Communication facilities as specified in Section 35-144F.
 - d) In all zones, Final Development Plans for projects where the Board of Supervisors, Planning Commission, Zoning Administrator, or Director approved the Preliminary Development Plan and the conditions of approval of the Preliminary Development Plan do not specify a decision-maker for the Final Development Plan other than the Director.
3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
- a) In the Visitor Serving Commercial (CV) and Public Utilities (PU) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 15,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.
 - b) 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 and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet.
 - c) Communication facilities as specified in Section 35-144F.
4. All Development Plans outside the jurisdiction of the Director or the Zoning Administrator shall be within the jurisdiction of the Planning Commission.
5. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan. When only a Final Development Plan is filed, it shall be processed in the same manner as a Preliminary Development Plan.
6. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.

Sec. 35-174.3 Contents of Preliminary Development Plan.

- 1. Unless the Planning Commission expressly waives the requirement, an application for a rezone to any district which is subject to the regulations of this section shall include a Preliminary Development Plan as part of the application. Upon Board of Supervisors' approval of the Rezoning and the Preliminary Development Plan, the Preliminary Development Plan may be made a part of the adopting ordinance amendment placing the new zone district regulations on the property.

2. As many copies of a Preliminary Development Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information submitted as part of the Preliminary Development Plan shall consist of the following:
 - a. A site plan of the proposed development drawn in graphic scale showing:
 - 1) Gross and net acreage and boundaries of the property.
 - 2) Location of areas of geologic, seismic, flood, and other hazards.
 - 3) Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.
 - 4) Location of all existing and proposed structures, their use, and square footage of each structure.
 - 5) All interior circulation patterns including existing and proposed streets, walkways, bikeways, and connections to existing or proposed arterial or connector roads and other major highways.
 - 6) Location of all utilities.
 - 7) Location and use of all buildings and structures within 50 feet of the boundaries of the property.
 - 8) Location and amount of land devoted to public purposes, open space, landscaping, and recreation.
 - 9) Location and number of parking spaces.
 - 10) All easements.
 - b. A topographic map that meets Planning and Development requirements including existing natural and proposed contours.
 - c. Proposed drainage system.
 - d. Proposed (schematic) building elevations including building height(s) and other physical dimensions drawn in graphic scale.
 - e. Statistical information including the following:
 - 1) Number and type of dwelling units in each building, i.e., single family dwelling, condominium, apartment, etc., and number of bedrooms in each unit.
 - 2) Percentage of total net land area of the property devoted to landscaping and open space.
 - 3) Parking ratio - parking spaces per building square foot, number of employees or dwelling units, whichever is applicable.
 - 4) Building coverage of the site in terms of percentage of the total net land area.
 - 5) Estimated number of potential residents in each residential category.
 - 6) Number of employees and number of proposed new employees if applicable.
 - 7) Average slopes.
 - 8) History of water use on the property measured in acre feet per year for the preceding 10 years, when available.
 - f. Aerial photograph of the property and surrounding parcels, when available.

- g. Demonstration of a validly created parcel and graphic configuration of such legal parcels.
- h. A statement of intent with respect to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to public transit or provision of bike lanes, etc.
- i. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
- j. If development is to occur in stages, the sequence and timing of construction of the various phases.
- k. Proposed public access or recreational areas, trails, or streets to be dedicated to the County.
- l. Any other supplementary data requested by the Planning and Development Department.

Sec. 35-174.4 Processing of Preliminary Development Plan.

1. For all development within the Coastal Zone proposed between Gaviota Beach State Park and the Santa Maria River, upon receipt of the Preliminary Development Plan, the Planning and Development Department shall transmit one copy of the plan to the Air Force Missile Flight Safety Office (WSMC-SE), USAF, Vandenberg. The Air Force may submit to the Planning and Development Department available information regarding missile debris hazards for the County to consider in reviewing the Preliminary Development Plan. Such information shall be provided to the County within 30 days of the date of transmittal and the County shall immediately send a copy to the applicant.
2. After receipt of an application for a Preliminary Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. The Planning and Development Department shall refer the application to the Subdivision/Development Review Committee and the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) for review and recommendation to the decision-maker. *(Amended by Ord. 4585, 11/22/05)*
4. **Notice, public hearing and decision.**
 - a. **Preliminary Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Preliminary Development Plan in compliance with Section 35-174.2.
 - 1) Notice of the pending decision of the Director shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Preliminary Development Plan.
 - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - b. **Preliminary Development Plan under the jurisdiction of the Planning Commission or Zoning Administrator is the decision-maker on the Preliminary Development Plan.** A public hearing shall be required if the Planning Commission or Zoning Administrator is the decision-maker on the Preliminary Development Plan.
 - 1) The decision-maker shall hold at least one noticed public hearing on the requested Preliminary Development Plan and approve, conditionally approve, or deny the request.

- 2) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals)
5. If the Preliminary Development Plan is processed in conjunction with a rezone application, the Planning Commission shall recommend approval, conditional approval, or denial of the Preliminary Development Plan, or Final Development Plan and Coastal Development Permit if applicable, to the Board of Supervisors.
6. If a Revised Preliminary Development Plan is required as provided in Section 35-174.10, it shall be processed in the same manner as the original plan. When approved by the Board of Supervisors, Planning Commission, Zoning Administrator, or Director, such revised plan shall automatically supersede any previously approved plan.

Sec. 35-174.5 Contents of Final Development Plan.

1. As many copies of the Final Development Plan as may be required shall be submitted to the Planning and Development Department. Unless specifically waived by the Director, the information submitted shall consist of the following:
 - a. All information and maps required under Section 35-174.3, Preliminary Development Plan submittal.
 - b. Floor plans of each building indicating ground floor area and total floor area of each building.
 - c. Proposed landscaping indicating type of irrigation proposed, irrigation plan indicating existing and proposed trees, shrubs, and ground cover, and delineating species, size, placement. Where the provisions of this Article require a Landscape Plan in conjunction with proposed development the following shall apply:
 - 1) The Planning and Development Department shall review the landscape plan and may approve or conditionally approve said plan. Said landscape plans shall be prepared by a registered landscape Architect.
 - 2) Prior to the issuance of the Coastal Development Permit for the development, a performance security, in an amount to be determined by the Planning and Development Department to guarantee the installation of plantings, walls, and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting shall be filed with the County, if deemed necessary by the Planning and Development Department.
 - d. Description of proposed Homeowners Association (if applicable), indicating major elements to be included in the CC&Rs, deeds, and restrictions and methods of open space maintenance.
 - e. The proposed method of fulfilling all conditions of approval required on the Preliminary Development Plan.
 - f. If an application for a Final Development Plan is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with the Final Development Plan application except as follows:
 - 1) The Coastal Commission approves the Coastal Development Permit when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission; or

- b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
- g. Any other supplementary information requested by the Planning and Development Department.

Sec. 35-174.6 Processing of Final Development Plans.

1. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations in compliance with Section 35-184 (Board of Architectural Review). This requirement may be waived by the Director of the Planning and Development Department in the following situations: *(Amended by Ord. 4585, 11/22/05)*
 - a. A Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review.
 - b. A Final Development Plan that is submitted pursuant to Section 35-174.2.2.b provided that any exterior alterations can be determined to be minor by the Director in compliance with Section 35-184.3.1.f (Board of Architectural Review, Exemptions).
3. The Planning and Development Department shall refer the application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.
4. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall be the decision-maker for the Final Development Plan unless:
 - a. Conditions of the Preliminary Development Plan indicate otherwise; or
 - b. The Preliminary Development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the decision-maker shall be the Zoning Administrator.
5. When an application for a Final Development Plan is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Final Development Plan if the Director is otherwise designated as the decision-maker in compliance with this Article.
6. **Notice, public hearing and decision.**
 - a. Final Development Plans under the jurisdiction of the Director. A public hearing shall not be required if the Director is the decision-maker for the Final Development Plan.
 - 1) Notice of the pending decision of the Director on the Final Development Plan shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Final Development Plan.
 - 3) The action of the Director on the Final Development Plan is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 4) The Director may approve minor changes to the Final Development Plan. If the Final Development Plan has any substantial changes from the Preliminary Development

Plan approved by the Board of Supervisors, Planning Commission, or Zoning Administrator, the Director shall refer the Final Development Plan to the decision-maker with jurisdiction for approval.

b. Final Development Plans under the jurisdiction of the Planning Commission or Zoning Administrator. A public hearing shall be required if the Planning Commission or Zoning Administrator is the decision-maker for the Development Plan.

- 1) The decision-maker shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the request.
- 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
- 3) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

7. When a Preliminary Development Plan has not been filed as provided in Section 35-174.2.3, the Final Development Plan shall be processed in compliance with Section 35-174.4 (Processing of Preliminary Development Plan).

8. **Coastal Development Permit processed in conjunction with a Final Development Plan.** The related Coastal Development Permit shall be processed in compliance with Section 35-169 (Coastal Development Permits) including the requirement that the decision-maker shall hold at least one noticed public hearing for the related Coastal Development Permit where the Final Development Plan includes development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

Sec. 35-174.7 Findings Required for Approval.

A Preliminary or Final Development Plan application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings, as applicable:

1. Findings for all Preliminary or Final Development Plans.

- a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.
- b. That adverse impacts are mitigated to the maximum extent feasible.
- c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
- e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.
- g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.
- h. That the project will not conflict with any easements required for public access through, or

public use of a portion of the property.

- i. Additional findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

2. Additional findings for Final Development Plans that follow an approved Preliminary Development Plan. A Final Development Plan that follows an approved Preliminary Development Plan shall approved or conditionally approved only if the decision-maker first makes all of the following findings:

- a. The Final Development Plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan.
 - 1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the Preliminary Development Plan, then the Director shall refer the Final Development Plan to the decision-maker that approved the Preliminary Development Plan.

Sec. 35-174.8 Conditions, Restrictions, and Modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent Amendments or Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications.
2. As a condition of approval of any Preliminary or Final Development Plan, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article.
3. The Director, Zoning Administrator, Planning Commission or Board of Supervisors may require as a condition of approval of any Development Plan, the preservation of trees existing on the property.

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

1. **Coastal Development Permit required.** Prior to the commencement of the development and/or authorized use permitted by the Final Development Plan, a Coastal Development Permit authorizing such development and/or use shall be obtained.
2. **Land Use Permit required.** Before the commencement of development and/or use allowed by a Final Development Plan a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).
 - a. Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following the approval of the Coastal Development Permit by the Coastal Commission.

3. Time limit.

- a. A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended for one year from the date the extension is granted by the Director, Zoning Administrator, or Planning Commission. The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.
- b. Except as provided in Section 35-174.9.3 below, Final Development Plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
- c. In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire 10 years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
- d. The limitation imposed by this section requiring time extensions to expire two years from the expiration date of the originally approved preliminary or final development plan shall not apply to applications for time extensions filed before July 18, 1996.

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

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

- 1. Substantial Conformity.** The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines.
 - a. No public noticing or public hearing shall be required for Substantial Conformity Determinations.
 - b. The action of the Director is final and not subject to appeal.
 - c. Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.

1) **Coastal Development Permit required.**

- a) **Appealable development.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.
- b) **Non-appealable development.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Coastal Development Permit, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.
- c) **Findings.** Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit finding required in Section 35-169 (Coastal Development Permits), shall be made by the review authority that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Final Development Plan.

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

2. **Amendments.** Where a Final Development Plan is not in substantial conformity with the approved plan, the Director may approve, or conditionally approve an application to alter, add replace, relocate, or otherwise amend a Final Development Plan, providing:

- a. The area of the proposed new development that is under review was 1) analyzed for potential environmental impacts and policy consistency as a part of the approved permit and an addendum to the previous environmental document could be prepared, or 2) was not analyzed in a previous environmental document and policy consistency was not considered as part of the approved permit, but the proposed new development could be found to be exempt from CEQA.

- b. All of the following additional findings can be made:
 - 1) In addition to the findings required for approval of a Final Development Plan set forth in this Section 35-174.7, the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved.
 - 2). The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least 10 days prior to the date of the Director's decision as provided in Section 35-181 (Noticing). The Director may approve, conditionally approve, or deny the Amendment.
- d. Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Amendment.

1) Coastal Development Permit required.

- a) **Appealable development.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.
 - b) **Non-appealable development.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Amendment, then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.
- 2) Land Use Permit required.** If the development and/or use allowed by the Final Development Plan is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Amendment.

3. Revisions.

- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings cannot be made in compliance with Section 35-

174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.

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

Sec. 35-175. Specific Plans.

Sec. 35-175.1 Purpose and Intent.

1. These regulations are based on the recognition that one parcel or a group of parcels of land which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a unit to ensure protection of valuable resources and allow maximum flexibility in site planning.
2. The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Coastal Plan and to provide for a mixture of uses through comprehensive site planning.
3. This section is adopted to guide in the preparation of a Specific Plan pursuant to the provisions of Article 8, Section 65450 - 6553 of the Government Code.
4. For those parcels which require preparation of a Specific Plan as set forth in the Coastal Plan, the following regulations shall apply.

Sec. 35-175.2 Applicability.

1. A Specific Plan shall not be considered adopted until a site development plan as described in Section 35-175.3.2, together with the required accompanying data, have been approved by the Board of Supervisors as part of the Coastal Plan after consideration at public hearings and a recommendation by the Planning Commission.
2. At the time of adoption of the Specific Plan, the Board of Supervisors shall make a determination as to whether the existing zoning on the property is consistent with the Specific Plan under the provisions of Section 65860(a) of the Government Code. If the Board of Supervisors finds that it is not consistent, then either the County of Santa Barbara or proponent of the Specific Plan shall initiate rezoning of the parcel(s) to bring the zoning into conformance with the Specific Plan.
3. Although the Board of Supervisors may adopt the Specific Plan as part of the Coastal Plan, no construction shall commence on properties requiring a Specific Plan until a Final Development Plan, as provided in Section 35-174, has been approved.

Sec. 35-175.3 Contents of Specific Plans.

1. As many copies of a Specific Plan as may be required shall be submitted to the Planning and Development Department.
2. Unless specifically otherwise authorized in writing by the Director, the information submitted as part of the Specific Plan shall consist of a site development plan including a map or maps drawn to scale and other supplemental information indicating:
 - a. Acreage and approximate boundaries of the property;
 - b. Contour maps showing topography and areas proposed for major re-grading;
 - c. Approximate width and location of proposed streets and their connector roads and other major highways on surrounding property;

- d. Location of areas of geologic, seismic, flood, and other hazards;
- e. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies, and areas with significant existing vegetation;
- f. Location of all proposed structures including but not limited to residential (distinguishing between the various types of residential structures, i.e., single family dwelling, duplex, apartment, condominium, etc.), industrial, and recreational structures, a description of the general dimensions and square footage of each of these structures, and an indication of the total number of and estimated total population for each type of dwelling unit;
- g. Location and amount of open space for use by prospective residents and the public;
- h. Location and description of proposed recreational facilities;
- i. Location of parking areas;
- j. A statement of intent with respect to establishment of utilities, services, and facilities, including water, sewage disposal, fire protection, police protection, and schools;
- k. If development is to occur in stages, a general indication of the sequence and time of construction of the various phases; and
- l. Any other supplementary data requested by the Planning and Development Department.

Sec. 35-175.4 Processing.

- 1. After receipt of the Specific Plan, the Planning and Development Department shall process the plan through environmental review.
- 2. The Planning and Development Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission. *(Amended by Ord. 4227, 6/18/96)*
- 3. The Planning Commission shall hold at least one public hearing on the Specific Plan. Notice of time and place of said hearing shall be given in accordance with the procedures set forth in Section 35-181 (Noticing). Any hearing may be continued from time to time.
- 4. If the Planning Commission recommends approval, with or without modifications, the matter shall be referred back to the Planning and Development Department and County Counsel for the preparation of an amendment adopting the Specific Plan as part of the Coastal Land Use Plan. The Planning Commission's recommendation on the Specific Plan and proposed Coastal Land Use Plan amendment shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.
- 5. The Board of Supervisors shall hold at least one public hearing before adopting the proposed Specific Plan. The notice of time and place of said hearing shall be given in the same time and manner as provided for the giving of notice of the hearing by the Planning Commission. Any hearing may be continued from time to time.
- 6. The Board of Supervisors shall not make any change or addition to any proposed Specific Plan thereto recommended by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the Board of Supervisors. Failure of the Planning Commission to report within 40 days after the reference shall be deemed to be approval of the proposed change or additions. It shall not be necessary for the Planning Commission to hold a public hearing on the proposed change or

addition.

7. Upon adoption of a Specific Plan, no permits shall be issued for construction, erection, or moving in of any building, nor for grading, nor for any use of land which requires a Coastal Development Permit until a Final Development Plan as required under the applicable zoning district has been approved.
8. Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan except as provided for under Section 35-169.8.

Sec. 35-175.5 Findings Required for Approval.

A Specific Plan shall not be adopted unless all of the following findings are made:

1. The Specific Plan is in conformance with all applicable Coastal Land Use Plan policies and incorporates any other conditions specifically applicable to the parcels that are set forth in these plans.
2. The Specific Plan will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood.
3. The Specific Plan will not adversely affect such necessary community services as traffic, circulation, sewage disposal, fire protection, and water supply.

Sec. 35-176. Oil and Gas Exploration and Production Plans.

Sec. 35-176.1 Purpose and Intent.

The purpose of Exploration and Production Plans is to provide for discretionary review of the specific design, layout, and provisions for oil and gas exploration, and/or production which may, because of facilities, scale, or location of development, have a significant potential for impacts on coastal resources. The intent of the requirements for Exploration and Production Plans is to insure that impacts on coastal resources from such activities are minimized, to the maximum extent feasible.

Sec. 35-176.2 Applicability of Exploration Plans.

No Coastal Development Permit shall be issued for any activity related to exploratory oil and gas drilling, including grading, for any property subject to the provisions of this section until an Exploration Plan has been approved as provided herein. No portion of any property not included within the boundaries of an approved Exploration Plan shall be entitled to any Coastal Development Permit for exploratory oil and gas drilling.

Sec. 35-176.3 Contents of Exploration Plan.

As many copies of an Exploration Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of an Exploration Plan shall consist of the following:

1. Description of land and title held by the applicant.
2. A map showing acreage and boundaries of the lease area.
3. A plot plan to scale which depicts:
 - a. Location, use, size, and height of all proposed well locations, drilling pads, sumps, and equipment.

- b. Location and width of existing and proposed roads.
 - c. Off-street parking areas.
 - d. Location, type, and height of fencing.
 - e. Relationship of proposed facilities to other buildings, structures, and/or natural or artificial features, including habitats, prime agricultural land, recreational areas, scenic resources, and archaeological sites within 1,000 feet of any well.
4. Photographs of the site taken from all directions from which it can be viewed by the public or adjacent residents.
 5. A written, narrative description of the objective of the project, operational characteristics, and measures that will be taken to eliminate or substantially mitigate adverse impacts on designated environmentally sensitive habitat areas, prime agricultural land, recreational areas, scenic resources, archaeological sites, and neighboring residents, due to the siting, construction, or operation of the proposed drill site.
 6. An oil spill contingency plan that specifies the location and type of cleanup equipment, designation of responsibilities for monitoring equipment, disposition of wastes, and reporting of incidents.
 7. Contour map showing topography and proposed grading for drilling pads, access roads, and any incidental equipment or facilities.
 8. A brief description of the manner in which the oil and/or natural gas will be produced, processed, and transported if the exploratory drilling program is successful.
 9. In addition to procedures for abandonment and removal of equipment contained in Sections 25-34 and 25-35 of the County Code (Petroleum Ordinance), provisions shall be included in an Exploration Plan for appropriate contouring, reseeding, and landscaping to conform with the surrounding topography and vegetation.
 10. Information concerning the source, quantity and quality of water to be utilized in the drilling/production program, the manner in which the water will be transported and stored on-site, and the method of disposal of wastewater and other drilling wastes.

Sec. 35-176.4 Processing of Exploration Plan.

1. After receipt of the Exploration Plan, the Planning and Development Department shall process the plan through environmental review. The exemption from environmental review in Section 25-4E of the County Code (Petroleum Ordinance) shall not apply within the Coastal Zone.
2. The Planning and Development Department shall refer the Exploration Plan to the Subdivision/Development Review Committee for review and said Subdivision Committee shall consider the plan and make their recommendations to the Planning Commission. *(Amended by Ord. 4227, 6/18/96)*
3. The Planning Commission shall then consider the Exploration Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan. The Planning Commission's action shall be final subject to appeal in compliance with Section 35-182 (Appeals).
4. If the Exploration Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Exploration Plan.
5. The Director may approve minor changes to an approved Exploration Plan, provided that such

changes do not allow additional wells to be drilled. Substantial changes to an Exploration Plan shall be processed in the same manner as the original plan except as provided for under Section 35-169.8. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

Sec. 35-176.5 Findings Required for Approval of Exploration Plan.

An Exploration Plan shall only be approved if all of the following findings are made:

1. There are no feasible alternative locations for the proposed exploratory drilling program that are less environmentally damaging.
2. Adverse environmental effects are mitigated to the maximum extent feasible.
3. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
4. The development is in conformance with the applicable provisions of this Article and the policies of the Coastal Land Use Plan.
5. That the site is appropriate for subsequent oil and gas production, should the proposed drilling program be successful.

Sec. 35-176.6 Modifications of Development Standards.

1. At the time the Exploration Plan is approved, the Planning Commission may modify the development standards specified in Section 35-152, Oil and Gas Facilities, where necessary or appropriate to permit drilling in accordance with the approved plan.
2. As a condition of approval of any Exploration Plan, the Planning Commission may impose any appropriate and reasonable conditions or require any redesign of the project as deemed necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, safety, and welfare or to implement the purposes of this Article.

Sec. 35-176.7 Applicability of Production Plans.

No Coastal Development Permit shall be issued for any activity related to oil and gas production, including grading, for any property subject to the provisions of this section until a Production Plan has been approved as provided herein. No part of any property not included within the boundaries of an approved Production Plan shall be entitled to any Coastal Development Permits related to oil and gas production.

Sec. 35-176.8 Contents of Production Plans.

As many copies of a Production Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of a Production Plan shall include the following:

1. All information and maps required under Section 35-176.3, Contents of Exploration Plans.
2. A landscaping plan.
3. Perspective views of all proposed buildings, structures, and fixed exterior equipment.
4. An analysis of the potential for the consolidation or collocation of facilities, including the clustering of wells and/or incidental equipment at production sites, or at other sites owned by the

operator or another operator.

5. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment.

Sec. 35-176.9 Processing of Production Plans.

1. The Planning and Development Department shall process the plan through environmental review. The exemption from environmental review in Section 25-4E of the County Code (Petroleum Ordinance) shall not apply within the coastal Zone.
2. After certification of the final environmental document, the Planning and Development Department shall refer the Production Plan to the Subdivision Committee for review and said Subdivision Committee shall consider the plan and make their recommendations to the Planning Commission.
3. The Planning Commission shall then consider the Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan. The Planning Commission's action shall be final, subject to appeal in compliance with Section 35-182 (Appeals).
4. If the Production Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Production Plan.
5. The Director may approve minor changes to an approved Production Plan, provided that such changes do not allow additional wells to be drilled, or increase the lease production capacity by more than 10 percent. Other changes to a Production Plan shall be processed in the same manner as the original plan except as provided for under Section 35-169.8. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

Sec. 35-176.10 Findings Required for Approval of Production Plan.

A Production Plan shall only be approved if all of the following findings are made:

1. There are no feasible alternative locations for the proposed production drilling program that are less environmentally damaging.
2. Adverse environmental effects are mitigated to the maximum extent feasible.
3. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
4. The development is in conformance with the applicable provisions of this Article and the policies of the Coastal Land Use Plan.

Sec. 35-176.11 Modifications of Development Standards.

1. At the time the Production Plan is approved, the Planning Commission may modify the development standards specified in Section 35-153, Oil and Gas Facilities, where necessary or appropriate to permit oil and gas development and production in accordance with the approved plan.
2. As a condition of approval of any Production Plan, the Planning Commission may impose any appropriate and reasonable conditions or require any redesign of the project as deemed necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, safety, and welfare, or to implement the purposes of this Article.

Sec. 35-177. Reclamation and Surface Mining Permits

Sec. 35-177.1 Purpose and Intent.

1. This Section is adopted pursuant to the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 *et seq.*), hereinafter referred to as the State Act, and the California Administrative Code Regulations adopted pursuant thereto (14 Cal. Admin. Code Section 3500 *et seq.*), hereinafter referred to as the State Regulations.
2. The Board hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
3. The Board further finds that the reclamation of mined lands as provided in this Section, the State Act, and the State Regulations will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
4. The Board further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specification therefore may vary accordingly.
5. The Board further finds that the regulation of surface mining operations is to assure that:
 - a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
 - b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 - c. Residual hazards to the public health and safety are eliminated.

Sec. 35-177.2 Incorporation of State Act and Regulations.

The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710-2793) and the California Administrative Code Regulations implementing the Act (14 California Administrative Code Sections 3500-3508), as either may be amended from time to time, are made a part of this paragraph by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.

Sec. 35-177.3 Applicability.

Unless exempted by the provisions of the State Act or State Regulations, any person (as defined in the State Regulations) who proposes to engage in surface mining operations shall, prior to the commencement of such operation, obtain (1) a permit to mine and (2) approval of a reclamation plan, as provided in this section.

Any person who has engaged or proposes to engage in surface mining operations and who is exempt from the requirement of a surface mining permit, shall file and obtain approval, pursuant to this Section, of a reclamation plan for all operations conducted after January 1, 1976, unless a reclamation plan was approved by the County prior to January 1, 1976, and the person submitting that plan has accepted responsibility for carrying out that plan.

Sec. 35-177.4 California Environmental Quality Act.

1. The approval of reclamation plans is exempt from the California Environmental Quality Act (CEQA) under the Class 8, categorical exemption as an action taken by the County, "as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involved procedures for protection of the environment." Class 8, APPENDIX B, County Guidelines for Implementing CEQA; 14 California Administrative Code Section 5108.
2. The issuance of surface mining permits is not exempt from CEQA.

Sec. 35-177.5 Surface Mining Under Existing Zoning.

1. In all zone districts other than the AG-II (Agriculture II), any surface mining is permitted only after approval of a Conditional Use Permit under Section 35-172.
2. In the AG-II District, surface mining operations for building or construction material, including diatomaceous earth, are a permitted use requiring only a Coastal Development Permit pursuant to Section 35-169, but such operations that exceed 20,000 square feet will require environmental review before the Coastal Development Permit may be issued.

Sec. 35-177.6 Procedures.

1. Each applicant shall submit to the Planning and Development Department, together with the required fees as set by the Resolution of the Board of Supervisors, the number of copies of the application (on an application form supplied by said department) and of such plans, elevations, and descriptions as are required by said Department. The term application shall include not only original applications, but also any subsequent amendments to permits or plans. Upon receipt of a complete application for a reclamation plan or surface mining permit, the Director shall promptly forward one copy thereof to the following County officials; for a surface mining permit - Director of Public Works, Transportation, Environmental Health, and the Flood Control Engineer and Fire Chief; for a reclamation plan - Director of Public Works (who shall consult with the appropriate Resource Conservation District), Flood Control Engineer, and Director of Environmental Resources. Each of said County officials shall, within 30 days after the date of transmittal of said copy of said application, make a written report to the Planning Commission as to any recommendations with respect to the use or plan contemplated by the application and its bearing on his functions. Failure to submit such report within said 30 days shall be deemed approval of said application without conditions.
2. The Planning and Development Department shall notify the State Geologist of the filing of an application for a permit to conduct surface mining operations and shall forward a copy of each permit and approved reclamation plan to the Los Angeles Office of the State Division of Mines and Geology.
3. Within 60 days after the receipt of a complete application, the Planning Commission, after holding at least one noticed public hearing on each application, may approve the application. Notice of the hearing on a surface mining permit shall be given in accordance with Section 35-181 (Noticing). Notice of the hearing on a reclamation plan shall be given to the applicant and property owner, if other than the applicant. The decision of the Planning Commission of the application shall be reported to the Board of Supervisors.
4. The decisions of the Planning Commission with respect to reclamation plans and surface mining permits shall be final except that within 12 days after the action of the Planning Commission, the Board of Supervisors, on its own initiation, may modify or reverse the action of the Planning

Commission by order and any action of the Planning Commission is subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-177.7 Standards.

The standards for approval of reclamation plans and for issuance of surface mining permits shall be those contained in the State Act and State Regulations.

Sec. 35-177.8 Performance Security.

1. **Purpose.** The intent of this subparagraph is to insure that reclamation will proceed in accordance with the approved reclamation plan (as may be amended), and to avoid economic waste in the requirement of security.
2. **Requirement, Forms and Amount of Security.** As a condition of approval of any reclamation plan, to secure the operator's performance, the Planning Commission may require one or more forms of security which will be released upon satisfactory performance, including: a corporate surety bond; corporate or government securities; cash; if acceptable to the operator, a lien against the operator's interests in the mined lands; or solely the bond of the operator itself. The aggregate of any such security shall be in an amount determined by the Public Works Department to equal the cost of completing the reclamation required during the succeeding two year period or other reasonable term.
3. **Bond Operator.** In determining whether to accept the bond of the operator itself without a separate surety or other form of security, the Planning Commission shall consider, without limitation: 1) the financial strength of the operator; 2) the assets within California; 3) its past performance on contractual obligations with public entities; and 4) whether there is a suitable agent of the operator within this County to receive service of process.
4. **Lien with Operator's Consent.** If the Planning Commission requires security other than the bond of the operator itself, and if the full value of the taxable assets of the operator within this County exceeds to the extent deemed sufficient by the Planning Commission the estimated cost of completing the reclamation required during the succeeding two year period or other reasonable term only with the operator's consent, the Planning Commission shall require a lien rather than a corporate surety bond or other form of security.
5. **Review of Security.** Whenever requested by the Public Works Department or the operator, the Planning Commission shall review and may thereupon change the form(s) or amount of security required.

Sec. 35-177.9 Periodic Compliance Inspections.

Surface mining permits or approved reclamation plans issued or approved pursuant to this section, shall provide for periodic compliance inspections by the Public Works Department. Fees based on an hourly charge for such periodic compliance inspections for such permits or plans shall be established by Resolution of the Board of Supervisors and paid by the operator.

Sec. 35-177.10 Revocation and Voidability of Surface Mining Permits.

1. A surface mining permit issued pursuant to this Section shall be null and void and automatically revoked if:
 - a. Within three years after the granting of said permit, the surface mining operations authorized by the permit have not been established; or
 - b. A use permitted under a surface mining permit issued subsequent to that effective date of

this section is discontinued for a period of more than three years.

- c. Provided, however, that prior to the expiration of such three year period the Board of Supervisors, after recommendation by the Planning Commission, may extend such three year period for good cause shown.
2. After written notice to the permittee and a hearing thereon, the Planning Commission may revoke a surface mining permit issued pursuant to this section, if any of the conditions of the permit are not complied with.

Sec. 35-178. Land Use Permits. *(Amended by Ord. 4594 & 4595, 3/5/08)*

Sec. 35-178.1 Purpose and Intent.

1. **Purpose.** This Section establishes procedures and findings for the issuance of, and effective time periods for, Land Use Permits, where the County approves certain discretionary permits for new development and either the County or the Coastal Commission approves the Coastal Development Permit under the following circumstances:

- a. **Coastal Development Permits approved by the Coastal Commission.** The Coastal Commission approves the Coastal Development Permit when the development is:

- 1) Located within the retained permit jurisdiction of the Coastal Commission; or
- 2) Located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

The approval of a Land Use Permit by the County is required following the approval of the Coastal Development Permit approved by the Coastal Commission.

- b. **Coastal Development Permits approved by the County.** The County approves a Coastal Development Permit in conjunction with the approval of a Conditional Use Permit or Development Plan, provided the development is not subject to Section 35-178.1.a above. In these cases, the Land Use Permit is the final permit required by the Planning and Development Department to represent compliance with any conditions established by the County in the Conditional Use Permit or Development Plan, and does not have any effect on the associated Coastal Development Permit.

2. **Intent.** The intent of this Section is to ensure that development proposals are in compliance with the provisions of this Article, the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, and any conditions established by the County.

Sec. 35-178.2 Applicability.

The provisions of this Section shall apply to all development and uses listed within this Article as requiring a Land Use Permit, including development and uses identified in Section 35-178.1 above.

Sec. 35-178.3 Contents of the Application.

1. As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include a site plan which indicates clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.

- c. Lot dimensions.
- d. All proposed and existing buildings and structures: locations, size, height, and proposed use.
- e. Distance from proposed structure(s) to property lines, centerline of street or alley and other existing structures on the lot.
- f. Walls and fences: location, height and materials.
- g. Name and widths of streets (right-of-way) abutting the site.
- h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
- i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
- j. Signs: location, size, height and method of illumination.
- k. Loading spaces: location, dimensions, number of spaces.
- l. Lighting: general nature, locations and hooding devices.
- m. Proposed street dedications and improvements.
- n. Landscaping, if required.
- o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
- p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.
 - 3) Total number of employees.
- q. All easements.

Sec. 35-178.4 Processing.

- 1. The Director shall review the Land Use Permit application for compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Land Use Permit.
- 2. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- 3. A Land Use Permit approved in compliance with this Section shall not be issued and deemed effective:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
 - c. Until all necessary approvals, including issuance of a Coastal Development Permit by the California Coastal Commission if required, have been obtained.
- 4. In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, any subsequently

required Land Use Permit shall not be approved or issued within 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal may be filed in compliance with Section 35-182 (Appeals).

5. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures will conform to the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution.

Sec. 35-178.5 Findings Required for Approval of a Land Use Permit.

A Land Use Permit shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:

1. The proposed development conforms:
 - a. To the applicable policies and provisions of the Comprehensive Plan, including the Coastal Land Use Plan and,
 - b. With the applicable provisions of this Article; or falls within the limited exception allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).
2. The proposed development is located on a legally created lot.
3. The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

Sec. 35-178.6 Expiration.

A Land Use Permit shall expire two years from the date of issuance if the use, building, or structure for which the permit was issued has not been established, or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause shown.

Sec. 35-178.7 Revocation.

Issuance of the Land Use Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all conditions, the Director of Planning and Development may revoke this permit and all authorization for development.

Sec. 35-179. Modifications. *(Added by Ord. 4227, 6/18/96)*

Sec. 35-179.1 Purpose and Intent.

The purpose and intent of this Section is to allow minor modifications of District setback regulations, parking, height requirements or zoning development standards where, because of practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements, or standards would result in better design, resource protection and land use planning.

Sec. 179.2. Applicability.

1. The provisions of this Section shall apply to specific development proposals allowed pursuant to the Permitted Uses sections in all zone districts, which are not otherwise subject to Conditional Use Permit or Development Plan requirements.
2. In no case shall a Modification, pursuant to this Section, be granted to permit a use or activity which is not otherwise permitted in the District in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Article.
3. Modifications may only be granted in conjunction with a specific development proposal and are limited to all of the following:
 - a. The total area of each side, front and/or rear yard setback area shall not be reduced by more than 20 percent of the minimum yard setback area required pursuant to the applicable District regulations.
 - b. No setback reduction for buildings and structures, except for unenclosed, attached, porches or entryways, shall result in:
 1. A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 16.5 feet.
 2. A side yard setback depth from property lines of less than three feet.
 3. A rear yard setback depth from property lines of less than 15 feet.
 - c. No unenclosed, attached porch or entryway shall result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than 10 feet.
 - d. Up to a 10 percent increase in District height regulations, excluding parcels within the MON Overlay District.
 - e. Up to a 10 percent increase in mandatory Floor Area Ratio (FAR) requirements for buildings originally constructed prior to the adoption of such FAR regulations (e.g., if the required FAR is 0.50 the maximum modification allowed would be 0.55.), excluding parcels within the MON Overlay District.
 - f. A reduction in the required number and/or a modification in the design, loading zone or location of parking spaces. In no case shall: (1) the number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts, (2) any required number of bicycle parking spaces be reduced, (3) any Modification of parking requirements be granted, pursuant to this Section, for an Attached Residential Second Unit, or (4) any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle.
4. In no case shall a Modification be granted pursuant to this Section for a reduction in landscape, buffer, open space, or other requirements of this Article except as provided above.

Sec. 35-179.3 Jurisdiction.

The decision-maker for a Modification, pursuant to this Section, shall be the Zoning Administrator who upon making the findings required under this Section, may approve or conditionally approve Modifications to the regulations applicable to physical standards for land, buildings, and structures

contained in this Article, as listed in Section 35-179.2.3.

Sec. 35-179.4 Contents of Application.

As many copies of a Modification application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-179.5 Processing.

1. After acceptance of the Modification application, the Planning and Development Department shall process the project through environmental review.
2. The project shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for Preliminary Review and approval only, prior to the project being heard by the Zoning Administrator. *(Amended by Ord. 4584, 11/22/05)*
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
4. The Zoning Administrator, in granting said Modification, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
5. The decision of the Zoning Administrator to approve, conditionally approve or deny a Modification is final subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-179.6 Findings Required for Approval.

A Modification shall only be approved if all of the following findings are made:

1. The project is consistent with the Coastal Act, Comprehensive Plan including the Local Coastal Plan and any applicable Community Plan.
2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and this Article.
3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review, and/or will result in greater resource protection than the project without such Modification. *(Amended by Ord. 4584, 11/22/05)*
4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.
5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.
7. Any adverse environmental impacts are mitigated to a level of insignificance.

Sec. 35-179.7 Expiration.

Unless otherwise specified by conditions of project approval, a Modification shall expire one year

from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.

DIVISION 12 ADMINISTRATION

Sec. 35-180. Amendments to a Certified Local Coastal Program.

Sec. 35-180.1 Purpose and Intent.

The purpose of this section is to provide for changes in the land use and/or zoning designation on properties where such change is warranted by consideration of location, surrounding development and timing of development, to provide for text amendments to this Article and/or the Coastal Land Use Plan as the County may deem necessary or desirable and to provide for amendments to any ordinances or implementation programs carrying out the provisions of the Coastal Land Use Plan. The intent of this section is to provide the mechanism consistent with the Coastal Act for amending a certified Local Coastal Program which consists of a Land Use Plan, Zoning and other ordinances, Land Use and Zoning Maps and special programs, i.e., recreation and access.

Sec. 35-180.2 Applicability.

Any amendment to the Local Coastal Program shall be adopted pursuant to the provisions of this section.

Sec. 35-180.3 Initiation.

An amendment to a certified Local Coastal Program may be initiated by:

1. One or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by such amendment.
2. Resolution of intention by the Board of Supervisors.
3. Resolution of intention by the Planning Commission.
4. The Director. *(Added by Ord. 4227, 6/18/96)*

Sec. 35-180.4 Processing.

1. As many copies of a Rezone, Ordinance Amendment or Coastal Land Use Plan Amendment application as may be required shall be submitted to the Planning and Development Department.
2. The Planning and Development Department shall process the application through environmental review.
3. The Planning Commission shall hold at least one public hearing on the proposal. *(Amended by Ord. 4227, 6/18/96)*
4. Notice of the hearing shall be given at least 10 calendar days before the hearing in the following manner:
 - a. For any amendment, notice shall be:
 - 1) Published in a newspaper of general circulation, in the County.
 - 2) Mailed to any person who has filed a written request therefore and has supplied the County with self-addressed, stamped envelopes.
 - 3) Mailed to the Coastal Commission.
 - b. In addition, for a proposed change of zone district or change of land use designation, notices shall be mailed:
 - 1) To the owners of the affected property and also the owners of the property within 300 feet of the exterior boundaries of the affected property, using for this purpose, the name and address of such owners shown on the tax rolls of the County.
 - 2) To residents of the affected property and residents within 100 feet of the affected

property.

- 3) In the event that the number of owners and/or residents to whom notice would be sent pursuant to 1 or 2 above is greater than one thousand, the County may provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation, published and circulated in the affected area of the County, at least 10 days prior to the hearing. *(Amended by Ord. 3852, 3/20/90)*
- 4) If there is a valid and operational Conditional Use Permit associated with a proposed rezone site and under the new zone district the conditionally permitted use would become a permitted use, the Conditional Use Permit conditions of approval shall remain valid unless altered or deleted pursuant to Section 35-172.11. *(Added by Ord. 4318, 6/23/98)*

Sec. 35-180.5 *Action.*

The Planning Commission's action shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.

Within 40 days of receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the matter. If the matter under consideration is a request to change property from one zone to another (rezone), and the Planning Commission has recommended against such a request, the Board of Supervisors shall not be required to hold a public hearing or take any further action on the matter unless within five days of the decision of the Planning Commission, the applicant or other interested person files a written request for such hearing with the Clerk of the Board of Supervisors. Notice of the time and place of said hearing by the Board of Supervisors shall be given in the same time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in this Section. The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission, provided that any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for a report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 40 days of the reference or such longer period as may be designated by the Board of Supervisors shall be deemed to be approval of the proposed modification.

Note: Any legislative approval by the Board of Supervisors (i.e., LCP amendments, ordinance amendments, general plan amendments, rezones) which would authorize or allow the development, construction installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County of Santa Barbara in a regular election as described in Section 35-150.1. This voter approval requirement was added to the ordinance pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996 and is effective 25 years hence. *(Added by Ord. 4234, 7/23/96)*

Sec. 35-180.6 *Findings Required for Approval of Rezone or Ordinance Amendment.* *(Added by Ord. 4227, 6/18/96)*

In order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone or Ordinance Amendment the following findings shall be made by the Planning Commission and Board of Supervisors:

- a. The request is in the interests of the general community welfare.
- b. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.

- c. The request is consistent with good zoning and planning practices.

Sec. 35-180.7 Coastal Commission Certification. *(Amended by Ord. 3484, 1/4/85)*

Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Therefore, any approval by the County of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board of Supervisors in accordance with Section 30512 and Section 30513 of the Coastal Act of 1976.

Sec. 35-181. Noticing. *(Amended by Ord. 4595, 3/5/08)*

Sec. 35-181.1 Purpose and Intent.

The purpose of this section is to set forth the minimum requirements for providing notice of a public hearing and other required noticing.

Sec. 35-181.2 Notice of Public Hearing and Decision-Maker Action.

- 1. Minimum Requirements.** Notice shall be given in compliance with Sections 65090-65096 of the Government Code for all projects that require a noticed public hearing or notice of decision by the Director and the following minimum requirements:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 calendar days before the scheduled public hearing or action by the decision-maker.
 - b. Mailed notice.** Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:
 - 1) Any person who has filed a written request for notice and has supplied the Planning and Development Department with self-addressed stamped envelopes.
 - 2) The applicant(s).
 - 3) Owners of the subject lot, if different from the applicant.
 - 4) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 5) Residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - 6) The Coastal Commission.
 - 7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F.3 (Commercial Telecommunication Facilities).
 - c. Optional notice to more than 1,000 owners of property.** If the number of owners and residents to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 calendar days before the scheduled public hearing or action by the decision-maker.
- 2. Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.4
- 3. Continuances.** If a public hearing on a project is continued by the local government to a time

which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.

Sec. 35-181.3 Coastal Development Permit and Land Use Permit Noticing.

1. Minimum Requirements. Notice of the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and Land Use Permits that do not follow a previous discretionary action shall be given in compliance with the following:

a. By the Planning and Development Department. Notice shall be given by the Planning and Development Department in compliance with the following:

- 1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).
- 2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.
- 3) Said notice shall be posted pursuant to Subsection 1) above and/or mailed no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted or mailed less than:
 - a) 10 days before the scheduled date of the initial review by the Board of Architectural Review, or;
 - b) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- 4) The posted notice shall be required to be continuously posted from the date required by Subsection 3), above and shall remain posted for a minimum of 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- 5) Mailed notice shall be provided to the applicant(s).
- 6) Mailed notice shall be provided to the owner(s) of the subject lot, if different from the applicant.
- 7) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot.
- 8) Mailed notice shall be provided to the Coastal Commission.
- 9) Mailed notice shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below.
 - a) Development that requires Design Review in compliance with Section 35-184 (Board of Architectural Review);
 - b) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling;
 - c) A new accessory structure in excess of 120 square feet or an addition to an existing accessory structure that would exceed 120 square feet;

- d) A change in the allowed use of a structure;
 - e) Home occupations where clients come to the dwelling where the home occupation is conducted;
 - f) Residential second units, and additions thereto, as may be allowed in compliance with Section 35-142 (Residential Second Units.);
 - g) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35-143.2 (Community Care Facilities);
 - h) Commercial telecommunication facilities, and additions thereto, as may be allowed in compliance with Section 35-144F.3.1 (Commercial Telecommunication Facilities); and
 - i) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35-144G.3.1 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.
- 10) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F.3.1 (Commercial Telecommunication Facilities).
 - 11) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 12) The contents of the notice shall be in compliance with Section 35-181.4.
- b. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- 1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
 - 2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Section 35-181.4.
 - 3) Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted less than:
 - a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or
 - b) Seven days before an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
 - 4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
 - 5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or seven days before an action by the Director to approve, conditionally approve, or deny the Coastal Development

Permit or Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Coastal Development Permit or Land Use Permit.

2. Minimum Requirements for Land Use Permits Following a Previous Discretionary Action. Notice of a pending decision on a Land Use Permit following a previous discretionary action and with the same project description shall be given in compliance with the following:

a. By the Planning and Development Department. Notice shall be given by the Planning and Development Department in compliance with the following:

- 1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).
- 2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.
- 3) Said notice shall be mailed and posted no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be mailed and posted less than:
 - a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or
 - b) 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.
- 4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.
- 5) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
- 6) Mailed notice shall be provided to all parties that received notice of the previous discretionary action.
- 7) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 8) The contents of the notice shall be in compliance with Section 35-181.4.

b. By the applicant. Notice of an application and pending decision on a Land Use Permit shall be given by the applicant in compliance with the following:

- 1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
- 2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Section 35-181.4.
- 3) Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be posted less than:

- a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or
 - b) 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.
- 4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the or Land Use Permit.
- 5) The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Land Use Permit.

3. Contents of Notice. The contents of the notice shall be in compliance with Section 35-181.4.

Sec. 35-181.4 Contents of Notice.

- 1. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section.
- a. The date of filing of the application and the name of the applicant.
 - b. The Planning and Development Department case number assigned to the application.
 - c. The name of the Planning and Development Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 - d. A description of the project, its location, and a statement that the project is located within the Coastal Zone.
- 2. Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker.
- a. All information required by Subsection 1., above.
 - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action or decision of the decision-maker is required.
 - c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
 - d. The procedure for Coastal Commission appeals, including any required appeal fees.
- 3. Notice for projects that do not require a public hearing or other discretionary decision-maker action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a decision-maker.
- a. All information required by Subsection 1, above.

- b. A general description of the County procedures concerning the review of the application for the Coastal Development Permit or Land Use Permit, including:
 - 1) How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;
 - 2) How to receive notification of any pending review by the Board of Architectural Review, if applicable, and action to approve or deny the Coastal Development Permit or Land Use Permit;
 - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action to approve or deny the Coastal Development Permit or Land Use Permit;
 - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve or deny the Coastal Development Permit or Land Use Permit.
- c. The date of the pending decision on the Coastal Development Permit or Land Use Permit, and where applicable, the date of expiration of the appeal period.
- d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the subject Coastal Development Permit or Land Use Permit application, excluding Land Use Permits that follow a previous discretionary approval.

Sec. 35-181.5 Notice of Final Action for Coastal Development Permits Appealable to the Coastal Commission.

For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section 35-182.6, Appeals to the Coastal Commission), notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department. Said notice shall be given within five calendar days of the final action. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.

Sec. 35-181.6 Failure to Receive Notice.

The failure of any person or entity to receive notice given in compliance with this Section or in compliance with State Law (Government Code Sections 65090 - 65096) shall not invalidate the actions of the Planning and Development Department or the decision-maker.

Sec. 35-182. Appeals. (Amended by Ord. 4595,3/5/08)

Sec. 35-182.1 Purpose and Intent.

The purpose of this section is to provide procedures for the acceptance and processing of appeals to the Board of Supervisors, Planning Commission and Zoning Administrator and to establish the criteria for those developments that may be appealed to the California Coastal Commission.

Sec. 35-182.2 General Appeal Procedures.

The decisions or determinations of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator may be appealed consistent with the following procedures. (In addition, final action on Coastal Development Permits may be appealed to the Coastal Commission, where applicable, in compliance with Section 35-182.6.)

- A. Who May Appeal.** An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at

a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of his concerns or who for good cause was unable to do either.

B. Timing and Form of Appeal.

1. Appeals of decisions of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator.

- a. An appeal of a decision of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator shall be filed within the 10 calendar days following the decision or determination that is the subject of the appeal except as otherwise provided in this Article.
- b. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Section 35-182.2.C, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.

2. Computation of time for appeal. The time within which the appeal shall be filed shall commence on the next calendar day following the day on which the decision was made or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

C. Requirements for Contents of an Appeal.

1. General requirements. The appellant shall specifically provide in the appeal all of the following:

- a. The identity of the appellant and her or his interest in the decision;
- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article, or other applicable law;
- d. If it is claimed that there was error or abuse of discretion on the part of the Board of Architectural Review, Director, Planning Commission, Zoning Administrator, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

2. Additional requirements for certain appeals. The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Section 35-182.2.C.

- a. **Appeals regarding a previously approved discretionary permit.** If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:
 - 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit, or

- 2) How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed, or
- 3) How the approval is inconsistent with Section 35-181 (Noticing).

b. Appeals of final decision of the Board of Architectural Review. A decision of the Board of Architectural Review to grant final approval may not be appealed to the Planning Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

D. Acceptance of Appeal. An appeal may be rejected by the Director under the following circumstances:

1. The appeal was not submitted by an applicant or an aggrieved party in compliance with Section 35-182.2.A; or
2. The appeal was not timely submitted in compliance with Section 35-182.2.B; or
3. The appeal does not comply with the applicable requirements of Section 35-182.2.C.

The decision of the Director is final and not subject to appeal.

E. Appeal Fees. The appellant shall pay the required filing fee, as established from time to time by resolution of the Board of Supervisors, at the time of the filing of the appeal.

F. Effect of Filing of Appeal. The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Article until such time as final action has occurred on the appeal.

G. Notice of Public Hearing Required. Notice of the time and place of the hearing shall be given in compliance with Section 35-181 (Noticing). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

H. Special Processing Requirements. The following requirements apply to applications for Coastal Development Permits or Land Use Permits that also require review by the Board of Architectural Review:

1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but prior to the issuance of the Coastal Development Permit or Land Use Permit for such project.
2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.
3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to the decision on the Coastal Development Permit or Land Use Permit.

Sec. 35-182.3 Appeals to the Zoning Administrator.

- A. Decisions appealed to the Zoning Administrator.** The following decisions of the Director may be appealed to the Zoning Administrator:
1. Any decision by the Director to approve, approve with conditions, or deny an application for a Coastal Development Permit or Land Use Permit for temporary use in compliance with Section 35-137 (Temporary Uses) may be appealed to the Zoning Administrator.
- B. Action on Appeal.** The Zoning Administrator shall affirm, reverse, or modify the decision of the Director. The action of the Zoning Administrator is final and not subject to appeal.

Sec. 35-182.4 Appeals to the Planning Commission.

- A. Decisions appealed to the Planning Commission.** The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C. and D.
1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
 2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article;
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943;
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
 - h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
 3. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Planning Commission, except that when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan, the decision of the Zoning Administrator may be appealed to the Board of Supervisors.

- a. Any decision of the Zoning Administrator to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Variance, or other discretionary application where the Zoning Administrator is the designated decision-maker.
 - b. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
- B. Report to the Planning Commission.** The Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Board of Architectural Review, Director or Zoning Administrator before the hearing on an appeal.
- C. Scope of Appeal Hearings.** The hearings on the appeal shall be de novo.
- D. Action on Appeal.** The Planning Commission shall affirm, reverse, or modify the decision of the Board of Architectural Review, Director, or Zoning Administrator.

Sec. 35-182.5 Appeals to the Board of Supervisors.

- A. Decisions appealed to the Board.** The following decisions of the Planning Commission may be appealed to the Board of Supervisors provided the appeal complies with the requirements of Section 35-182.2.C. and D.
1. Any final action on decisions that are appealed to the Planning Commission in compliance with Section 35 182.4. (Appeals to the Planning Commission).
 2. Any final action on decisions of the Planning Commission to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Planning Commission is the designated decision-maker.
 3. Any other action, decision or determination made by the Planning Commission as authorized by this Article where the Planning Commission is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
 4. Any decision of the Zoning Administrator to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Variance, or other discretionary application where the Zoning Administrator is the designated decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan.
 5. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan except when specifically provided that such action, decision or determination is final and not subject to appeal.
- B. Report to the Board of Supervisors.** The Department shall transmit to the Board of Supervisors copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning Commission before the hearing on an appeal.

C. Scope of Appeal Hearings. The hearings on the appeal shall be de novo.

D. Action on Appeal. The Board of Supervisors shall affirm, reverse, or modify the decision of the Planning Commission.

Sec. 35-182.6 Appeals to the Coastal Commission.

1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under Public Resources Code Section 30603, a final action on a Coastal Development Permit application may be appealed to the California Coastal Commission within 10 working days from the date of receipt by the Commission of the County's Notice of Final Action.
2. Any appealable action on a Coastal Development Permit application may be appealed to the Coastal Commission by an applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be made in writing and be received by the appropriate Coastal Commission district office by the deadline listed in the prior section. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit, except that exhaustion of all local appeals shall not be required where a project is appealed by any two Commissioners or if any of the following occur:
 - a. The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.
 - b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision. For purposes of this section, a local ordinance requiring a prospective appellant to have made his/her views known in connection with the original decision prior to taking a local appeal, or otherwise to have exhausted local remedies at the local level prior to taking a local appeal, does not count as a "a local ordinance which restricts the class of persons who may appeal a local decision."
 - c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.
 - d. The local government jurisdiction charges an appeal fee for the filing or processing of appeals.
3. In accordance with Public Resources Code Section 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission.
 - a. Developments approved by the County between the sea and the first public road paralleling the sea.
 - b. Developments approved by the County 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 the greater distance.
 - c. Developments approved by the County not included within paragraphs a. or b. of this section that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - d. Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This includes, but is not limited to, developments approved by the County that require a Conditional Use Permit.
 - e. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in this

Article shall mean any proposed facility that meets the definition in California Code of Regulations, Title 14, Section 13012(b).

4. Grounds of Appeal.

- a. The grounds of appeal to the Coastal Commission for any development appealable under 3. of this Section shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the Coastal Act, which is codified in Public Resources Code, Division 20, except that a denial of a permit for development included in Subsection 3.e above, shall be limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program and the public access policies set forth in the Coastal Act and codified in Public Resources Code, Division 20.

Sec. 35-183. Re-applications.

No application shall be accepted nor acted upon if within the past one year, application has been made and denied by the Planning Commission, Zoning Administrator or the Board of Supervisors, which covers substantially the same real property, and which requests approval of substantially the same project unless either the Planning Commission, Zoning Administrator, or the Board of Supervisors permits such re-application because of an express finding that one or more of the following applies:

1. That new evidence or material to a revised decision will be presented which was unavailable or unknown to the applicant at the previous hearings and which could not have been discovered in the exercise of reasonable diligence by the applicant.
2. That there has been a substantial and permanent change of circumstances since the previous hearings, which materially affects the applicant's real property.
3. That a mistake was made at the previous hearings which was a material factor in the denial or denials of the previous application.

Sec. 35-184. Board of Architectural Review. *(Amended by Ord. 4585, 11/22/05)*

Sec. 35-184.1 Purpose and Intent.

The purpose and intent of the Board of Architectural Review is to encourage developments which exemplify the best professional design practices so as to enhance visual quality of the environment, benefit surrounding property values, and prevent poor quality of design.

Sec. 35-184.2 Applicability.

1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall mean the Central County Board of Architectural Review, the North County Board of Architectural Review, the South County Board of Architectural Review, or the Montecito Board of Architectural Review whichever has jurisdiction, depending on the location of the project site. The geographic boundaries of said boards are depicted in the original map which is located in files of the Clerk of the Board and illustratively shown as Figure 1 appended to Section 35-184.
2. Review and approval by the Board of Architectural Review shall be required for:
 - a. Any structure or sign requiring design review in compliance with DIVISION 4, ZONING DISTRICTS, of this Article.
 - b. Any structure or sign requiring design review in compliance with DIVISION 5, OVERLAY DISTRICTS, of this Article.
 - c. Any structure requiring design review in compliance with DIVISION 7, GENERAL REGULATIONS, of this Article.

- d. Any structure requiring design review in compliance with DIVISION 10, PERMIT PROCEDURES, of this Article.
- e. Any structure requiring design review as required by the Planning Commission or the Board of Supervisors.
- f. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
- g. Any residential structure on a lot adjacent to the sea.

Sec. 35-184.3 Exceptions. *(Amended by Ord. 3853, 3/20/90; amended by Ord. 3978, 2/21/92)*

1. General. Board of Architectural Review approval is not required for the following:

- a. Interior alterations.
- b. Decks.
- c. Swimming pools, hot tubs, and spas.
- d. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
 - 1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - 2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
- e. Solar panels.
- f. Any other exterior alteration determined to be minor by the Director.
- g. Residential second units; however approval from the Board of Architectural Review Chair, or designee, is required.

2. Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review. The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:

- a. **Exemptions.** The following projects shall be exempt from Board of Architectural Review design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways or other areas of public use. This exemption is only applicable to Board of Architectural Review review, and does not eliminate the project from any other applicable discretionary review, including Coastal Development Permits.
 - 1) Single family dwellings.
 - 2) Commercial and industrial projects that are not open to the public.
- b. **Advisory actions.** Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
- c. **Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-family dwellings shall be reviewed by the North County Board of Architectural Review at no more than three separate hearings on three separate dates or for no longer than three

months from the date of filing an application, whichever occurs first, unless the project changes or requests for a continuance initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker of the discretionary permit without a recommendation by the North County Board of Architectural Review.

- d. **Structures subject to Section 35-144 (Ridgeline and Hillside Development Guidelines).** The following applies to structures that would normally be subject to design review due to their location in an area subject to the requirements of Section 35-144 (Ridgeline and Hillside Development Guidelines).
 - 1) **Exempt structures.** Structures that are exempt from design review in compliance with Section 35-184.3.2.a shall be reviewed as follows:
 - a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Section 35-144.3.
 - b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Section 35-144.4.1 in addition to Section 35-144.4.2.
- e. **Special provision not applicable.** The special provisions described in subsection a., b., and c. above shall not apply to the following:
 - 1) Development Plans within the jurisdiction of the Planning Commission.
 - 2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plan, including adopted Community Plans.

Sec. 35-184.4 *Contents of Application.*

- 1. Prior to issuance of any permits for development subject to review by the Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.) as may be required shall be filed with the Planning and Development Department, including but not limited to site plans, architectural drawing, and landscape plans as applicable. The plans shall include the information and details required by the Planning and Development Department.
- 2. An application for approval of a sign shall contain project plans and additional information and details required by the Planning and Development Department.

Sec. 35-184.5 *Processing.*

- 1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve applications for Preliminary and Final Approval submitted in accordance with Section 35-184.6 (Findings Required for Approval). The Board of Architectural Review shall also render its advice on the exterior architecture of buildings, structures, and signs to the Planning Commission or Board or Supervisors when requested to do so.
- 2. Applications for Preliminary and Final Approval by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project. *(Added by Ord. 4318, 6/23/98)*

Sec. 35-184.6 *Findings Required for Approval.*

Prior to approving any Board of Architectural Review application the Board of Architectural Review shall first make the following findings:

1. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
2. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
3. Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers or signs) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property. *(Amended by Ord. 4067, 8/18/92)*
4. Mechanical and electrical equipment shall be well integrated in the total design concept.
5. There shall be harmony of material, color, and composition of all sides of a structure or building.
6. A limited number of materials will be on the exterior face of the building or structure.
7. There shall be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
8. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.
9. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provisions for maintenance of all planting.
10. Signs including their lighting, shall be well designed and shall be appropriate in size and location.
11. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Section 35-144A of this Article. *(Amended by Ord. 3978, 2/21/92)*
12. Other findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*

Sec. 35-184.7 Appeals.

The decision of the Board of Architectural Review to grant or deny Preliminary or Final approval is final subject to appeal in compliance with Section 35-182 (Appeals). Advisory recommendations of the North County Board of Architectural Review are not subject to appeal.

Sec. 35-184.8 Expiration *(Added by Ord. 4318, 6/23/98)*

1. Where there is an associated development permit, Board of Architectural approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires.
2. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development.
3. Advisory recommendations of the North County Board of Architectural Review shall not expire.

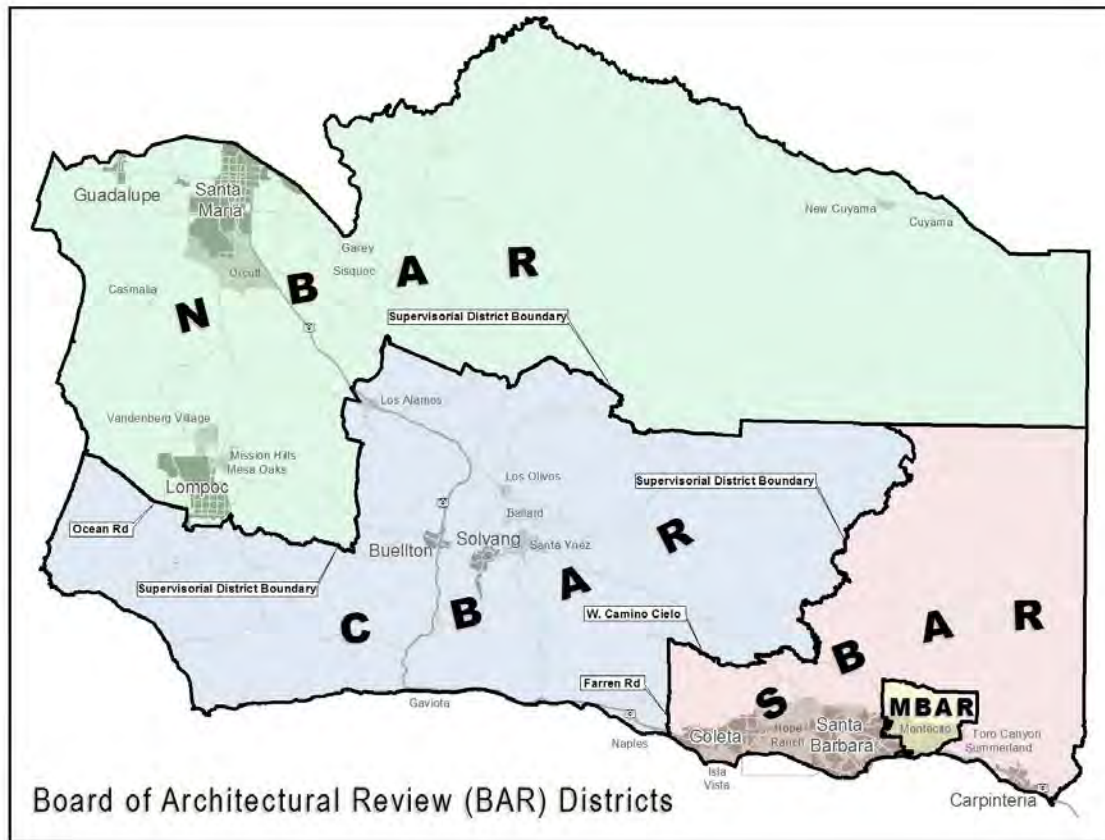


Figure 1 - Regional Board of Architectural Review Jurisdictional Areas

Sec. 35-185. Enforcement, Legal Procedures, and Penalties. (Amended by Ord. 3508, 5/6/85)

Sec. 35-185.1 Investigation.

The Director, or any person within the Department of Planning and Development authorized by the Director, is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Article. If a violation is determined to exist or to be impending, the Director is hereby authorized to take such measures as he deems necessary or expedient to enforce and secure compliance with the provisions of this Article.

1. **Director defined.** As used in this section, the term "Director" refers to the Director of the Planning and Development Department and also to any person within the Department of Planning and Development who is authorized by the Director to act on his or her behalf.
2. **Cooperation of other officials.** The Director or his or her agents may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.
3. **Right of entry and inspection.** The Director may enter at all reasonable times any building, structure, or premises in the County of Santa Barbara for the purpose of carrying out any act necessary to perform any duty imposed by this Article. Upon request the Director shall provide adequate identification. Except under exigent circumstances, an inspection warrant shall be obtained if entry is refused.
4. **Liability.** The Director or any other person charged with the enforcement of this Article, if acting in good faith and within the course and scope of his or her employment, shall not thereby be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of his or her duties. Any suit brought against the Director, or his or her agents or employees, because of such act or omission, performed in the enforcement of any provision of this Article, shall be defended by the County Council of

Santa Barbara County.

Sec. 35-185.2 *Work Stoppage*

Where any building construction work is being done contrary to the provisions of this Article, the Director may order the work stopped by giving notice in writing and serving such notice and order on any persons engaged in doing or causing such work to be done. Any such persons, their agents, employees, or servants, shall forthwith stop such work until such time as re-commencement is authorized by the Director.

Sec. 35-185.3 *Referral for Legal Action.*

If unable to otherwise enforce the terms of this Article, the Director shall refer the matter to the District Attorney and/or County Counsel of the County of Santa Barbara for appropriate legal action.

Sec. 35-185.4 *Legal Actions.*

1. *Civil Actions.*

- a. *Public Nuisance.*** Any building or structure which is set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Article, and any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Article, shall be and the same is hereby declared to be unlawful and a public nuisance.
- b. *Injunctive Relief.*** Whenever, in the judgment of the Director, any person, firm, or corporation has engaged in or is about to engage in any act or practice which constitute or will constitute a violation of any provision of this Article or any rule, regulation, order, or permit issued thereunder, and at the request of the Director, the District Attorney or County Counsel of the County may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the department that such person, firm, or corporation has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.
- c. *Abatement.*** In the event that any person, firm, or corporation shall fail to abate a violation hereunder, after notice of same and opportunity to correct or end the violation, the Director of the Planning and Development Department may request the County Counsel or District Attorney to apply to the Superior Court of this County for an order authorizing the Planning and Development Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of such undertaking.

2. *Civil Remedies and Penalties.*

- a. *Civil Penalties.*** Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates the provisions of this Article or any rule, regulation, order, or permit issued thereunder, shall be liable for a civil penalty not to exceed \$25,000.00 for each day that the violation continues to exist.
- b. *Costs and Damages.*** Any person, whether as principal, agent, employee, or otherwise, violating any provisions of this Article on the rules, regulations, orders, or permits issued hereunder, shall be liable to the County of Santa Barbara for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of such violations.
- c. *Procedure.*** In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by defendant.

3. *Criminal Actions and Penalties.*

- a. *Infractions.*** Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise, violating any provisions of this Article, or the rules, regulations, orders, or permits issued thereunder, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by 1) a fine not exceeding \$100.00 for a first violation; 2) a fine not exceeding \$200.00 for a second

violation of the same ordinance within one year; and 3) a fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.

- b. **Misdemeanors.** Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Article within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Article within the 24-month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor the punishment shall be a fine of not less than \$500.00 nor more than \$25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both such fine and imprisonment, except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or *nolo contendere* or by trial by the court sitting without a jury, the punishment shall be a fine of no less than \$1,000.00 nor more than \$25,000.00 or by imprisonment in the County jail for a period not to exceed six months or by both such fine and imprisonment.
- c. **Violations.** Each and every day during any portion of which any violation of this Article or the rules, regulations, orders, or permits issued thereunder, is committed, continued or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense.

Sec. 35-185.5 Cumulative Remedies and Penalties.

The remedies or penalties provided by this Article are cumulative to each other and to the remedies or penalties available under all other laws of this state.

Sec. 35-185.6 Recovery of Costs. (Added by Ord. 3597, 10/6/86, Amended by Ord. 4557, 12/7/04)

1. **Purpose and Intent.** This section establishes procedures for the recovery of costs expended on the enforcement of the provisions of this Article. The intent of this section is to recoup 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 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 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 35-185.6.6.

Additionally, where a permit(s) is obtained to legalize all, or part of, this violation, you will be subject to an additional permit processing fee for after-the-fact authorization of development, equal to, and in addition to, all otherwise applicable permit fees, but 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 un-permitted development pursuant to any other Section of the certified Local Coastal Program or Coastal Act.

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 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 Section 35-182.3 of Chapter 35 of the County Code.

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 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
 - b. Within 30 days of the filing of the request, and on 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 may be appealed to the Board of Supervisors pursuant to Section 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 Section 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.

Sec. 35-185.7 Processing Fee Assessment. *(Added by Ord. 3597, 10/6/86)*

Any person who shall erect, construct, alter, enlarge, move or maintain any building or structure, or institute a use for which a permit is required by this Article without first having obtained a permit therefore, shall, if subsequently granted a permit for that building, structure or use, or any related building, structure or use on the property, first pay such additional permit processing fees as established from time to time by the Board of Supervisors.

Sec. 35-185.8 Violations of Conditions-Penalty. *(Added by Ord. 3597, 10/6/86)*

If any portion of a privilege authorized by a Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Plan or other permit approved under this chapter is utilized, the conditions of the Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Plan or other permit approved under this chapter, immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Planning Commission, Board of Supervisors, Zoning Administrator, or Planning and Development Department in connection with the granting of any Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Permit, or other permit taken pursuant to the authority of Chapter 35, shall constitute a violation and shall be subject to the same penalties as defined in Section 35-185.

Sec. 35-186. Validity.

If any division, section, sentence, clause or phrase of this Article is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have passed this article and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

DIVISION 13 SUMMERLAND COMMUNITY PLAN OVERLAY

(Added by Ord. 4038, 5/19/92)

Sec. 35-190. General.

The provisions of this DIVISION implement portions of Summerland Community Plan components of the County's Local Coastal Plan and serve to carry out certain policies of this Community Plan. The provisions of this DIVISION are in addition to the other provisions of this Article. Where provisions of this DIVISION conflict with other provisions of this Article, the provisions of this DIVISION shall take precedence.

Sec. 35-191. Summerland - SUM.

Sec. 35-191.1 Applicability.

The provisions of this section apply to the community of Summerland as defined by the Summerland Community Land Use Map. All provisions of the Summerland Community Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all the goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the SUM Overlay District.

Sec. 35-191.2 Definitions.

For the purposes of this Section, the following definitions apply to the area zoned with the SUM Overlay District:

BASEMENT - Basements are any usable or unused under floor space where the finished floor directly above is not more than four feet above grade (as defined by the latest addition of the Uniform Building Code).

FLOOR AREA NET - Floor Area Net is the total floor area of all floors of a building as measured to the surfaces of exterior walls, excluding unenclosed porches, balconies and decks. Interior stairs shall be counted on only one floor. Easements or encroachments which diminish the usable area of the lot will be taken into consideration when establishing the lot area net, and this area shall be adjusted accordingly. Easements and encroachments include, but are not limited to, roads, well-sites, utility installations, portions of the property that in effect are used by other properties, etc.

FLOOR AREA RATIO - FAR - is the Floor Area Net of the structure divided by the Lot Area Net.

MIXED USE DEVELOPMENT - Mixed Use Development is a structure(s) on a parcel where 49 percent or less of the usable square footage (excluding garages) is for residential purposes.

PLATE HEIGHTS - Plate height is the distance between the floor and where the wall intersects with the roof or the floor joists of the story above.

UNDERSTORY - The portion of the structure between the exposed finished floor and the finished grade (as defined by the latest edition of the Uniform Building Code).

Sec. 35-191.3 *Minimum Lot Size for a Duplex.*

Notwithstanding any language to the contrary within this Article, the minimum net lot area for a duplex in the 10-R-2 zone district is 10,000 square feet.

Sec. 35-191.4 *Building Height.*

Notwithstanding the height requirements contained in individual zone districts, the height for structures within the urban area shall be 22 feet and the height for structures within the rural area shall be 16 feet. The height limitations as identified in the BAR Guidelines for Summerland must be adhered to for all development within the SUM Overlay District. For the purposes of this Section, "urban" and "rural" are as designated on the "Summerland Community Land Use Map." These height limitations shall apply except as provided for in Section 35-127, Height. *(Amended by Ord. 4263, 6/24/97; Ord. 4298, 3/24/98)*

Sec. 35-191.5 *Floor to Area Ratios (FARs).*

1. Floor Area Ratios for Different Types of Projects. The following shall be the Floor Area Ratios (FARs) for commercial and residential projects within the SUM Overlay District:
 - a. Single Family Residential Floor Area Ratios (FAR). All new single family residences and remodels of and additions to single family residences in any zone district except the Design Residential District shall not exceed the following standards: *(Amended by Ord. 4227, 6/18/96)*

Lot Size Between	FAR	Max. Allowable
Up to 2,500 sf.	.50	N/A
2,501 and 3,600 sf.	.38	1,296 sf.
3,601 and 4,700	.36	1,598 sf.
4,701 and 5,800	.34	1,856 sf.
5,801 and 6,900	.32	2,070 sf.
6,901 and 8,100	.30	2,268 sf.
8,101 and 9,400	.28	2,538 sf.
9,401 and 10,800	.27	2,808 sf.
10,801 and 12,000	.26	3,100 sf.
12,000+ sf.		See Note

Note: The maximum allowable square footage column sets a cap on each category so that there is no overlap between the categories. Each parcel may develop to the limits set by the FAR for its parcel size except those parcels to the larger end of each category which may not develop structures larger than the maximum allowable square footage set for each category. The maximum square footage for lots over 12,000 sq. ft. shall be established as a base of 2,500 sq. ft. plus five percent of the lot area net with a maximum allowable square footage of 8,000.

- b. Duplex FARs. The FAR for duplexes shall be 0.27. Maximum duplex size shall be 3,600 s.f. of total living area for both units of the duplex.

- c. Commercial and Mixed Use Floor Area Ratios. The maximum FAR shall be 0.29 if the entire project is commercial or 0.35 if it is a mixed use development. If mixed use, all of the additional square footage allowed over the 0.29 FAR shall be devoted exclusively to residential use. Commercial projects will be subject to other county planning and environmental constraints which may have a bearing on the size of the building.

- d. Limitations and Exceptions to FAR.

- 1) Garages.

For residential lots, up to 500 square feet per dwelling unit may be allowed for a two car garage. For larger single family lots (12,000 square feet and above), a three car garage may be up to 750 square feet. Larger garages may be allowed, however excess square footage will be counted towards the net floor area of the dwelling.

For commercial and mixed use projects, up to 500 square feet of garages per 6,000 square feet of lot area can be excluded from the FAR (e.g., a commercial or mixed use project on a 12,000 square feet lot can exclude 1,000 square feet of garage space from the FAR calculations). On pre-existing lots of less than 6,000 square feet, up to 500 square feet of garage space can be excluded.

- 2) Abandoned East/West Rights-of-Way. For lots with abandoned east/west right-of-ways, such abandoned area may only be credited 50 percent towards the total lot area used in the calculation of the FAR.

- f. Existing Structures that Exceed the FAR. Existing structures that exceed the FAR may be altered or reconstructed provided:

- 1) The alterations or reconstruction shall not increase the FAR to an amount greater than was contained in the original structure; and
- 2) The proposal conforms to the adopted Board of Architectural Review Guidelines for Summerland in all other respects.

2. Adjustments to Floor to Area Ratios.

- a. Plate Heights.

- 1) Lots Less than 1 Acre in Size. To regulate the height and bulk of a building, plate heights shall be factored into the FAR as follows:

Average Plate Height	FAR Adjustments
Up to 9'	0%
9' - 10'	-10%
over 10'	-20%

- 2) Lots One Acre and Greater in Size. A maximum of 40 percent of the floor area shall be allowed to exceed a plate height of nine feet. If more than 40 percent of the floor area exceeds a plate height of nine feet, the excess will be computed as two times the floor area.
- b. Understories. Understories exceeding four feet in height shall reduce the FAR purposes as follows:

Height of Understory	FAR Adjustment
Over 4 feet	-10%
Over 6 feet	-20%
8 feet or over	-33%

Homes built prior to the implementation of this section (May 19, 1992) shall not be subject to the understory standards as long as any proposed addition conforms with the original building footprint in profile.

- c. Basements. For residential structures, basements shall be counted toward the FAR as follows:

First 250 sq. ft. = 0% = 0 sq. ft. counted and 250 sq. ft. does not count toward FAR.

Next 250 sq. ft. = 50% = 125 sq. ft. counted and 125 sq. ft. does not count toward FAR.

Next 300 sq. ft. = 75% = 225 sq. ft. counted and 75 sq. ft. does not count toward FAR.

Over 800 sq. ft. = 100% = All sq. ft. counted toward FAR.

The square footage that does not count toward the FAR per the above formula may be added to the allowable floor area of the structure. However, the increase in floor area pursuant to this formula may be used only once per lot, including lots with multiple unit structures.

A proposed residential structure that does not qualify for a basement credit may add five percent to the FAR provided that no part of the lowest finished floor over the entire building footprint is more than 18 inches above grade.

Basements shall be counted at 100 percent of floor area unless there is no second floor on the structure or unless the second floor mass is set back from the downslope face of the first floor by a minimum of 10 feet at all locations.

Sec. 35-191.6 Board of Architectural Review (BAR)

All applicable building, grading, landscaping and other plans for new or altered buildings shall be reviewed by the County Board of Architectural Review. In addition to the findings set forth in Section 35-184.5 of this Article, the County Board of Architectural Review shall also find that

the new or altered building is in conformance with the Summerland Board of Architectural Review Guidelines.

Sec. 35-191.7 Permit Procedures.

1. A Coastal Development Permit for grading for a building pad shall not be issued until the proposed structure has received final approval from the County Board of Architectural Review.

Sec. 35-191.8 Findings

1. In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Summerland Community Plan of the Coastal Land Use Plan.
2. A modification or variance to reduce the number of required off-street parking spaces shall not be granted unless a finding is made that the modification or variance will not result in an increase in on-street parking.
3. Prior to approval of discretionary projects which would result in a net increase in water use, a finding shall be made that there is sufficient water supply available to serve existing commitments.
4. In approving new development, the County shall make a finding that the development will not adversely impact existing recreational facilities and uses.

DIVISION 14 GOLETA-GOL COMMUNITY PLAN OVERLAY DISTRICT

(Added by Ord. 4110, 7/20/93)

Sec. 35-192. General.

The purpose of this DIVISION is to create an overlay district in order to carry out certain policies and implement portions of the Goleta Community Plan, which is part of the County's Land Use Element. The provisions of this DIVISION are in addition to the other provisions of this Article. Where provisions of this DIVISION conflict with other provisions of this Article, the provisions of this DIVISION shall take precedence.

Sec. 35-192.1 Applicability.

The provisions of this section apply to that portion of the community of Goleta (as defined by the "Goleta Community Land Use Map") that lies within the Coastal Zone. All provisions of the Goleta Community Plan and Comprehensive Plan, including all the goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the GOL Overlay District.

Sec. 35-192.2 Findings.

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 (Permit Procedures) of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Goleta Community Plan of the Land Use Element of the Comprehensive Plan.

DIVISION 15 MONTECITO COMMUNITY PLAN OVERLAY DISTRICT

(Added by Ord. 4082, 12/15/92)

Sec. 35-200. Purpose.

The purpose of the MON Overlay District is to implement portions of Montecito Community Plan section of the County's Local Coastal Plan.

Sec. 35-201. Effect of MON Overlay District.

The provisions of this Overlay apply to the community of Montecito as shown on the Montecito Community Zoning Map. These provisions are in addition to the other provisions of this Article. Where provisions of the MON Overlay conflict with other provisions of this Article, the provisions of the MON Overlay shall take precedence.

All provisions of the Montecito Community Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all the goals, objectives, policies, actions, and development standards, shall also apply to the area zoned with the MON Overlay District.

Sec. 35-202. Definitions.

For the purposes of this Section, the following definitions apply to the area zoned with the MON Overlay District:

FLOOR AREA RATIO: A measurement of development intensity represented by the quotient of net floor area, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by net lot area. Where there is an approved Final Development Plan, the floor area ratio shall be the quotient of net floor area, excluding basements used exclusively for storage and residential units that meet the County's definition of affordable housing, divided by the sum of the net lot area of all parcels included in the Development Plan.

CABAÑA: A building, the use of which is incidental and accessory to the use of the beach, a pool, or a sports court (i.e., regulation size tennis or basketball court) that may include bathrooms, but excludes sleeping quarters and/or cooking facilities. *(Added by Ord. 4298, 3/24/98)*

Sec. 35-203. Floor Area Ratio.

1. For parcels within the Resort/Visitor Serving Commercial (C-V) zoning district, the floor area ratio, as defined in Section 35-204, shall not exceed 0.25.

Sec. 35-204. Height of Structures.

1. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. This height limitation shall apply except as provided for in Section 35-127, Height. *(Amended by Ord. 4263, 6/24/97)*

Sec. 35-205. Affordable Residential Units.

1. Resort/Visitor Serving Commercial (C-V). Any parcel with a zoning designation of Resort/Visitor Serving Commercial (C-V) shall, in addition to the uses allowed pursuant to the regulations of the base zone district, be permitted one or more residential units in the following manner:
 - a. One residential unit (up to 800 square feet net floor area for a studio or one-bedroom unit, or up to 1,000 square feet net floor area for a two bedroom unit) shall be permitted on each legal lot subject to the issuance of a Coastal Development Permit pursuant to Section 35-169, provided that the unit is attached to the primary commercial structure and is rented to a low to moderate income household at a level that meets County affordability criteria. The residential unit shall not be sold or financed separately from the principal commercial structure.
 - b. Two to four residential units (up to 800 square feet net floor area for each studio or one-bedroom unit, or up to 1,000 square feet net floor area for each two bedroom unit) shall be permitted on each legal lot subject to the issuance of a minor Conditional Use Permit pursuant to Section 35-172, provided that each unit is attached to the primary commercial structure and is rented to a low to moderate income household at a level that meets County affordability criteria, and that the residential use of the lot is secondary to its existing commercial use. Such a residential unit shall not be sold or financed separately from the principal commercial structure.
 - c. A Development Plan shall not be required for permitted residential units outlined above in "a" and "b."

Sec. 35-206. Permit Procedures.

1. A Coastal Development Permit for grading of roads and/or individual buildings pads shall not be issued until the proposed structure has received Final BAR approval.

Sec. 35-207. Reserved for Future Use

Sec. 35-208. C-V Resort/Visitor Serving Commercial. *(Added by Ord. 4196, 5/16/95)*

Sec. 35-208.1 Additional Findings Required for Approval of Development Plans.

1. Improvements to resort visitor serving hotels have been designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito.
2. The facility is compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhoods.

Sec. 35-208.2 Additional Requirements.

1. Two thirds of any new or reconstructed buildings which are guest rooms shall be limited to 16 feet in height, except as provided for pursuant to Division 10, Nonconforming Structures and Uses and Section 35-214, "Restoration of Damaged Nonconforming

Buildings and Structures" of Division 15.

2. Parking areas shall be broken into small groupings of parking spaces and shall be fully landscaped.
3. Cottage units shall be separated by landscaping to minimize the bulk and scale of development.
4. New or reconstructed cottages shall be limited to six units (keys) per cottage, except as provided for pursuant to Division 10, Nonconforming Structures and Uses.

Sec. 35-209. Parking. *(Added by Ord. 4196, 5/16/95)*

Parking shall be provided as specified in Division 6, Parking Regulations, and Section 35-71.11, Parking. In addition, tandem parking shall be allowed on residentially zoned lots of 7,000 square feet or less to satisfy parking requirements.

Sec. 35-210. Accessory Structures. *(Added by Ord. 4196, 5/16/95)*

1. Accessory structures, except barns and stables, shall not exceed 16 feet in height and shall conform to the 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 10 feet to the principal structure; and that it occupies no more than 30 percent of the required rear yard; and that it does not exceed a height of 12 feet.
2. Accessory structures containing one or more accessory use shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior, perimeter walls, excluding barns and stables. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995. *(Amended by Ord. 4250, 11/19/96)*

Sec. 35-211. Guest House, Artist Studio, and Pool House/Cabana. *(Added by Ord. 4186, 3/14/95)*

1. No guest house, artist studio or pool house/cabana shall exceed a height of 16 feet.
2. The floor area of such guest house, artist studio, or pool house/cabana shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior, perimeter walls; however, such structure may be attached to an accessory structure provided the building footprint of the combined structure does not exceed 800 square feet as measured to the interior surface of exterior, perimeter walls, provided no interior access exists between the guest house, artist studio, or pool house/cabana and the accessory structure. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. The 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995; such projects are still subject to the 800 square foot

building footprint area limitation on guest houses, artist studios, or pool houses/cabañas and interior access between such uses and any other portion of a combined accessory structure may not be provided.

Sec. 35-212. Requirements for Exterior Lighting. *(Added by Ord. 4196, 5/16/95)*

1. Recreational court lighting is prohibited in all residential zone districts.

Sec. 35-213. BAR Findings Required for Approval. *(Added by Ord. 4196, 5/16/95)*

Within the Montecito Overlay District, prior to approving any Board of Architectural Review application, the Board of Architectural Review shall make the following findings instead of those required in Section 35-184.6:

1. Overall building shapes as well as parts of any structure (buildings, walls, fences, screens, towers, or signs) shall be in proportion to and compatible with the bulk and scale of other existing or permitted structures on the same site and in the neighborhood surrounding the property.
2. Mechanical and electrical equipment shall be well integrated in the total design concept.
3. There shall be harmony of material, color, and composition of all sides of a structure or building.
4. A limited number of materials will be on the exterior face of the building or structure.
5. There shall be a harmonious relationship with existing developments in the surrounding neighborhood, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
6. Site layout, orientation, location and sizes of all structures on a property, buildings, and signs on a property, shall be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).
7. Adequate landscaping shall be provided in proportion to the project and the site with regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all planting.
8. Signs including their lighting, shall be well designed and shall be appropriate in size and location.
9. Grading and development shall be designed to avoid visible scarring and shall be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of ridgelines and hillsides.

10. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Section 35-473 (General Regulations) of this Article.

Sec. 35-214. Restoration of Damaged or Destroyed Nonconforming Buildings Structures. *(Added by Ord. 4196, 5/16/95; Amended by Ord. 4227, 6/18/96)*

1. If all or any portion of an existing hotel is damaged or destroyed, the owner shall be entitled to replace the damaged or destroyed improvement with new construction of the identical size to that damaged or destroyed on the same site in the same general location.
2. Within the Montecito Overlay District, if a nonconforming structure is damaged or destroyed by fire, flood, earthquake, or other natural disaster, such structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location provided such reconstruction shall commence within 24 months of the time of damage and be diligently carried to completion. The time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date. Where the reconstruction permitted above, does not commence within the specified 24 months or a time extension granted, such structure shall not be reconstructed except in conformity with the regulations of this Article.

Sec. 35-215. Findings. *(Amended by Ord. 4196, 5/16/95)*

1. In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.
2. For projects requiring a Major Conditional Use Permit, a finding shall be made that the project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic.
3. For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.

DIVISION 16 TORO CANYON PLAN (TCP) OVERLAY DISTRICT

(Added by Ord. 4572, 427/04)

Sec. 35-194. General.

The provisions of this Division implement portions of Toro Canyon Plan components of the County's Local Coastal Program. The provisions of this Division are in addition to the other provisions of this Article. Where provisions of this Division conflict with other provisions of this Article, the specific provisions of this Division shall take precedence. The development standards and actions within the Toro Canyon Plan are incorporated by reference within this Overlay District.

Sec. 35-194.1 Applicability.

The provisions of this section apply to the Toro Canyon Plan Area as defined by the "Toro Canyon Plan Land Use Map." All provisions of the Toro Canyon Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all applicable goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with this Overlay District.

Sec. 35-194.2 Processing.

In addition to other application requirements, applications for a Coastal Development Permit for any new development on property that is within or adjacent to an Environmentally Sensitive Habitat area in this district shall include a detailed biological study of the site, prepared by a qualified biologist, or resource specialist. Such a study would include an analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition.

Sec. 35-194.3 C-1 Zone District.

1. All uses listed in the C-1 Zone District of this article shall be allowed in the C-1 Zone District of Toro Canyon except:
 - a. Any single family residence where there is no commercial use;
 - b. Residential structures and general practitioner's/professional offices only as secondary to a primary commercial retail use. Retail uses shall be located in the more prominent locations of buildings such as on first floors fronting on pedestrian pathways, and/or where ocean views are available. Residential and professional office uses should be located on second floor but if on the first floor, then not on the street-facing part of the building. Office uses shall be in less prominent locations than retail uses on the same site;
 - c. Financial institutions;
 - d. Lodges shall only be allowed with a major Conditional Use Permit, rather than as a permitted use;

- e. Seafood processing and video arcades shall be allowed only as secondary uses to a primary use such as a restaurant and only when conducted entirely within an enclosed building.
2. In addition to the uses allowed in the C-1 Zone District of this Article, the following shall be permitted in the C-1 Zone District of Toro Canyon:
 - a. Hotels and motels;
 - b. Mini-mart/convenience stores.
3. In addition to the uses allowed in the C-1 Zone District of this Article, the following shall be permitted in the C-1 Zone District of Toro Canyon with a Major CUP:
 - a. Overnight recreation vehicle facilities.
4. “Western Seaside Vernacular Commercial” is defined as follows:

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.

<u>Orientation and Massing</u>	<u>Doors</u>
Low Massing Little or no set back from sidewalk edge	Simple wood Simple wood and glass Simple French doors
<u>Roofs</u>	<u>Siding</u>
Flat Pitched gable roofs, but not gambrel or mandards	Board and batten Beveled tongue and groove Clapboard Shingles
<u>Roof Materials</u>	<u>Colors</u>
Composition Wood shingles, subject to the allowances and limitations of the county Building Code Shingles made to resemble wood or slate	Weathered wood Whitewash Neutrals Weathered colors
<u>Windows</u>	
“Picture” Horizontally oriented multi-paned Multi-paned with wood sash and frames Wood framed	

Sec. 35-194.4 Findings.

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

Sec. 35-194.5 Nonconforming Structures and Uses.

1. Nonconforming residential structures damaged or destroyed by calamity: Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “residential structure” shall mean primary dwellings, secondary dwellings including Residential Second Units, guesthouses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within 24 months of the time of damage or destruction and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.
2. Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area: Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, “residential structure” shall include primary dwellings, secondary dwellings including Residential Second Units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24

month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

3. Expansion of a nonconforming primary residence located within a Rural Neighborhood Area and within an Environmentally Sensitive Habitat (ESH) buffer area: Any primary residence that is nonconforming solely due to its location within an ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with DevStds BIO-TC-5.1 and BIO-TC-5.4 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.
4. Nonconforming agricultural support structures: Any nonconforming agricultural support structure, other than “Greenhouses” or “Greenhouse Related Development” located within the Carpinteria Agricultural (CA) Overlay, that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure, other than “greenhouse development” as defined in the CA Overlay, that is essential to the support of agricultural production on agriculturally-zoned property. Any such reconstruction shall commence within 24 months of the time of damage or destruction and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article. Nonconforming “Greenhouses” or “Greenhouse Related Development” located within the CA Overlay shall be subject to the provisions of the CA Overlay.
5. Agricultural support structures that are nonconforming solely due to the Toro Canyon Plan, except where located within an Environmentally Sensitive Habitat (ESH) area: Any agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the

extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

6. Nonconforming nonresidential structures: Any nonconforming nonresidential structure that is damaged or destroyed to an extent of 75 percent or more of its replacement cost at the time of damage by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed, provided that such reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. Such a structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location, provided that:
 - a. The Zoning Administrator finds that the public health and safety will not be jeopardized in any way by such reconstruction; and
 - b. The Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship that would be suffered by the owner(s) of the structure should reconstruction of the nonconforming structure be denied.

Any such reconstruction shall commence within 24 months of the time of damage or destruction, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

7. Expansion of certain nonconforming structures located within front, rear, or side yard setback areas: Any structure that is nonconforming solely due to its location within a front, rear, or side yard setback area, due to any increase in such setback area that resulted from a change of zoning adopted with the Toro Canyon Plan, may be enlarged or expanded in a manner that does not further encroach into any such setback area and that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.
8. Expansion of nonconforming structures located on the shore: Additions to nonconforming structures on a bluff top or on the beach that increase the size of the structure by 50 percent or more are not permitted unless the entire structure is brought into conformance with the policies and standards of the Local Coastal Program. Demolition and reconstruction that results in the demolition of more than 50 percent of the exterior walls of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the Local Coastal Program. Nonconforming uses may not be increased or expanded into additional locations or structures.
9. Nonconforming uses: The replacement or re-establishment of nonconforming uses is subject to the regulations of the Toro Canyon Plan and this Article only to the extent that some type of permit may be required by this Article. Any such permit may be approved only in conformance with the regulations of the Toro Canyon Plan and this Article.

Sec. 35-194.6 Architectural Review Standards.

1. Residential structures shall not exceed a height of 25 feet unless further restricted by other sections of the Zoning Ordinances (such as the Ridgeline and Hillside Development Guidelines).
2. Notice of a project's initial Board of Architectural Review hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the Board of Architectural Review hearing, using for this purpose the name and address of such owners and occupants as shown on the current Assessor's tax rolls of the County of Santa Barbara.
3. The following criteria shall be applied for the approval of any non-agricultural structure(s) by the Planning and Development Department and the Board of Architectural Review.
 - a. Where height exemptions under Ridgeline and Hillside Development Guidelines are allowed for rural properties, Board of Architectural Review minutes and the Planning and Development Department project file shall include a written discussion of how the project meets the applicable exemption criteria.
 - b. Large understories and exposed retaining walls shall be minimized.
 - c. Building rake and ridgeline shall conform to or reflect the surrounding terrain.
 - d. Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.
 - e. The exterior surfaces of structures, including water tanks, walls and fences, shall be non-reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non-reflective.
 - f. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
 - g. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.
 - h. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure 35-194.1 Examples A and D) or the natural toe of the lowest cut slope (see Figure 35-194.1 Examples B and C) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed 16 vertical feet.
 - i. The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure 35-194.1.)

Upon recommendation by Board of Architectural Review, the Planning and Development Department may grant exemptions to criteria h. and i. if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design and 3) minimizes visual or aesthetic impacts.

Sec. 35-194.7 Economically Viable Use.

If it is asserted that the application of the policies and standards contained in the Local Coastal Program regarding use of property within the Toro Canyon Plan area that would constitute a taking of private property, the applicant shall apply for an economical viability determination in conjunction with their Coastal Development Permit application and shall be subject to the provisions of this section.

Sec. 35-194.8 Economically Viable Use Determination.

The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and economic viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

1. The date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection d above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
9. Any offers to buy all or a portion of the property which the applicant solicited or received,

including the approximate date of the offer and offered price.

10. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
12. Any additional information that the County requires to make the determination.

Sec. 35-194.9 Supplemental Findings for Approval of Coastal Development Permit

1. A Coastal Development Permit that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 35-169 (Coastal Development Permits):
 - a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.
 - b. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.
 - c. The use proposed by the applicant is consistent with the applicable zoning.
 - d. The use and project design, siting, and size are the minimum necessary to avoid a taking.
 - e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.
 - f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.

Sec. 35-194.10 Agricultural Soils.

Within the coastal zone, in areas with prime agricultural soils, structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime soils to the maximum extent feasible.

Sec. 35-194.11 Land Divisions.

Land divisions, including lot line adjustments and conditional certificates of compliance, shall only be permitted if each parcel being established could be developed without adversely

impacting resources, consistent with Toro Canyon Plan policies and other applicable provisions.

FIGURE 35-194.1

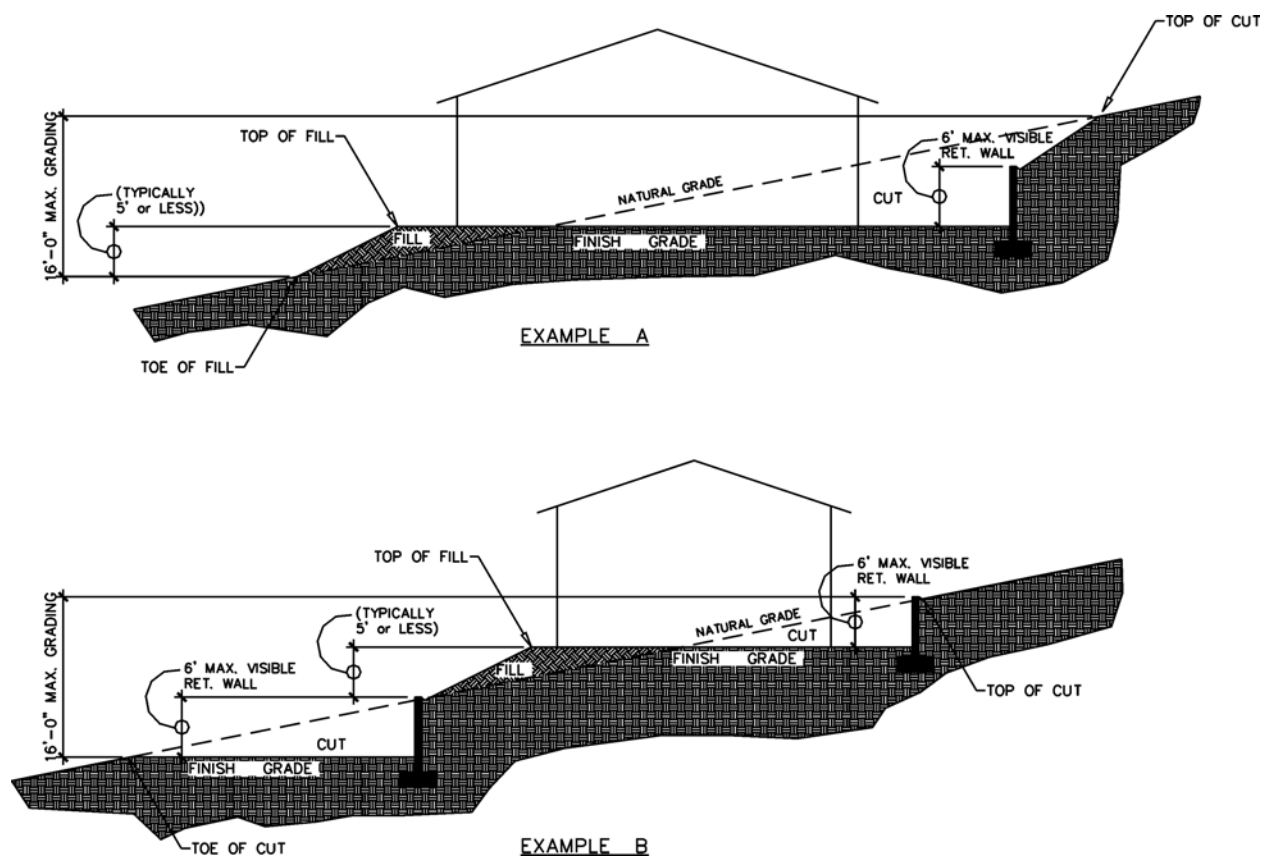
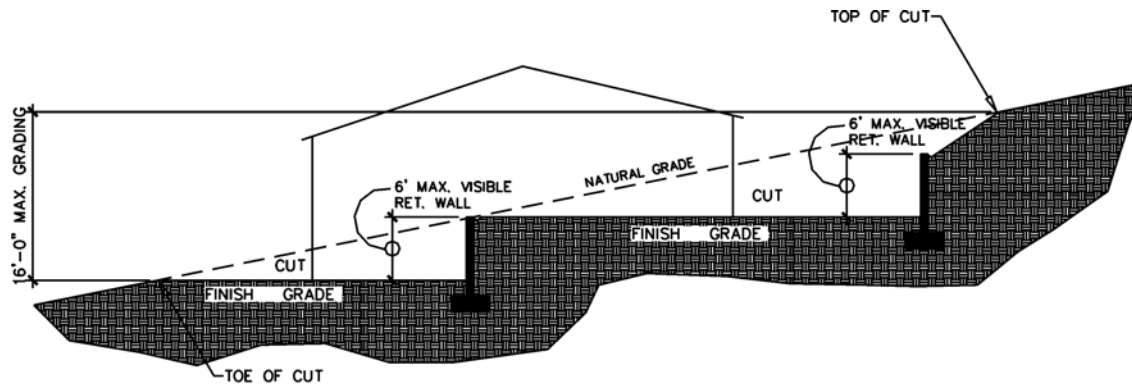
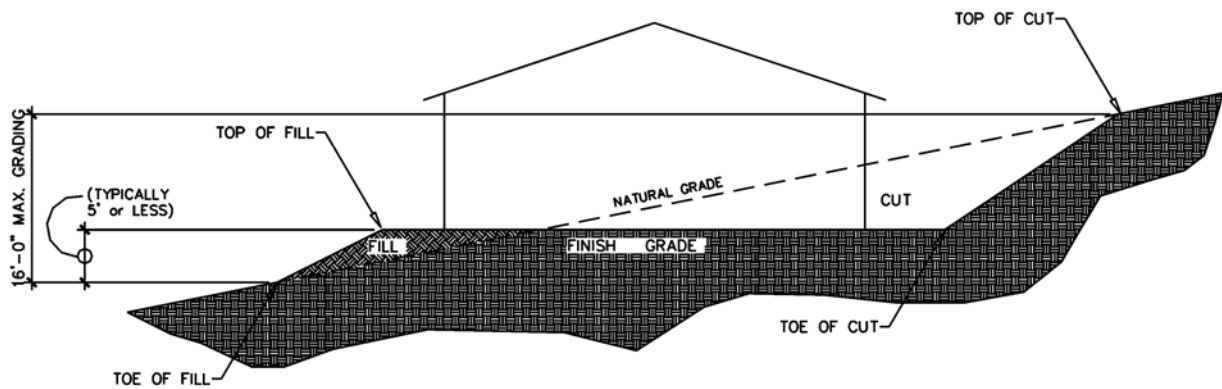


FIGURE 35-194.1



EXAMPLE C



EXAMPLE D

APPENDIX A

TABLE OF ORDINANCES WHICH ADOPTED ARTICLE II AND ALL SUBSEQUENT AMENDMENTS

Ordinance No.	B/S Adoption Date	Certification Date ¹	Amended Sections
3312	07/19/82		35-50 thru 35-186
3395	08/08/83		35-58, 35-71.4, 35-73.4, 35-142
3448	06/18/84		35-172.4, 35-172.11
3483	01/14/85		35-169.5(4), 35-182.4.1
3484	01/14/85		35-180-6
3508	05/06/85		35-185
3518	06/03/85		35-58, 35-71.3, 35-72.3, 35-74.4, 35-71.4, 35-72.4, 35-74.6, 35-143
3534	10/07/85		35-132.6
3537	10/08/85		35-58, 35-155
3561 (85-OA-10)	03/17/86	11/12/86	35-100
3581	07/28/86	12/10/86	35-58, 35-157
3594	10/06/86		35-169.6
3595	10/06/86	12/10/86	35-118.1
3596	10/06/86	12/10/86	35-169.9, 35-170.6
3597	10/06/86	12/10/86	35-185.6, 35-185.7, 35-185.8
3598	10/06/86	12/10/86	35-121.12
3612	10/27/86		35-174.6
3613	10/27/86		35-58
3673			35-58, 35-154
3701 (87-OA-07)	05/16/88	06/10/88	35-154
3714 (87-OA-14)	08/08/88	02/07/89	35-144, 35-184
3718 (84-OA-09)	08/08/88	02/07/89	35-128, 35-102
3736 (86-OA-12)	11/21/88	04/12/89	35-76, 35-77, 35-108, 35-114, 35-173
3737 (87-OA-05)	11/21/88	04/12/89	35-67.1, 35-102A, 35-163
3743 (87-OA-08)	11/21/88	02/07/89	35-68
3745 (88-OA-03)	11/21/88	02-07-89	35-154, 35-156
3831 (89-OA-11)	3/20/90	Not Certified	35-58, 35-154
3832 (89-OA-06)	03/20/90	06/12/90	35-169
3833 (89-OA-06)	03/20/90	06/12/90	35-51
3834 (89-OA-06)	03/20/90	06/12/90	35-58
3835 (89-OA-06)	03/20/90	06/12/90	35-68, 35-69, 35-70, 35-71, 35-73
3836 (89-OA-06)	03/20/90	06/12/90	35-68, 35-69, 35-75, 35-121
3837 (89-OA-06)	03/20/90	06/12/90	35-68, 35-69
3838 (89-OA-06)	03/20/90	06/12/90	35-69
3839 (89-OA-06)	03/20/90	06/12/90	35-71, 35-72, 35-74, 35-76, 35-77, 35-78, 35-79, 35-83
3840 (89-OA-06)	03/20/90	06/12/90	35-72
3841 (89-OA-06)	03/20/90	06/12/90	35-78
3842 (89-OA-06)	03/20/90	06/12/90	35-78, 35-79, 35-85, 35-87, 35-115, 35- 174
3843 (89-OA-06)	03/20/90	06/12/90	35-114
3844 (89-OA-06)	03/20/90	06/12/90	35-119
3845 (89-OA-06)	03/20/90	06/12/90	35-120
3846 (89-OA-06)	03/20/90	06/12/90	35-132
3847 (89-OA-06)	03/20/90	06/12/90	35-172, 35-173
3848 (89-OA-06)	03/20/90	06/12/90	35-147
3849 (89-OA-06)	03/20/90	06/12/90	35-172, 35-174
3850 (89-OA-06)	03/20/90	06/12/90	35-172

APPENDIX A

Ordinance No.	B/S Adoption Date	Certification Date¹	Amended Sections
3851 (89-OA-06)	03/20/90	06/12/90	35-178
3852 (89-OA-06)	03/20/90	06/12/90	35-180
3853 (89-OA-06)	03/20/90	06/12/90	35-184
3871 (90-OA-11A)	07/17/90	10/09/90	35-172
3887 (90-OA-11B)	09/18/90	12/12/90	35-172
3914 (90-OA-20)	03/05/91	08/13/91	35-53, 35-102B
3947 (90-OA-18)	11/19/91	09/10/92 ²	35-51, 35-52, 35-87, 35-152, 35-153, 35-154, 35-155, 35-156
3954 (91-OA-09)	01/21/92	04/09/92	35-58
3955 (91-OA-09)	01/21/92	04/09/92	35-70
3956 (91-OA-09)	01/21/92	04/09/92	35-71
3957 (91-OA-09)	01/21/92	04/09/92	35-72
3958 (91-OA-09)	01/21/92	04/09/92	35-73
3959 (91-OA-09)	01/21/92	04/09/92	35-74
3960 (91-OA-09)	01/21/92	04/09/92	35-78
3961 (91-OA-09)	01/21/92	04/09/92	35-79
3962 (91-OA-09)	01/21/92	04/09/92	35-80
3963 (91-OA-09)	01/21/92	04/09/92	35-81
3964 (91-OA-09)	01/21/92	04/09/92	35-83
3965 (91-OA-09)	01/21/92	04/09/92	35-89
3966 (91-OA-09)	01/21/92	04/09/92	35-123
3967 (91-OA-09)	01/21/92	04/09/92	35-125
3968 (91-OA-09)	01/21/92	04/09/92	35-134
3969 (91-OA-09)	01/21/92	04/09/92	35-142
3970 (91-OA-09)	01/21/92	04/09/92	35-144
3971 (91-OA-09)	01/21/92	04/09/92	35-144A
3972 (91-OA-09)	01/21/92	04/09/92	35-144B
3973 (91-OA-09)	01/21/92	04/09/92	35-163
3974 (91-OA-09)	01/21/92	04/09/92	35-169
3975 (91-OA-09)	01/21/92	04/09/92	35-172
3976 (91-OA-09)	01/21/92	04/09/92	35-173
3977 (91-OA-09)	01/21/92	04/09/92	35-174
3978 (91-OA-09)	01/21/92	04/09/92	35-184
4034 (92-OA-05)	05/19/92	10/14/92	35-54, 35-92, 35-128
4038 (92-OA-09)	05/19/92	10/14/92	35-190, 35-191
4040 (90-OA-25)	05/19/92	07/15/93	35-DIV. 2.
4041 (90-OA-25)	05/19/92	Pending	35-93TC
4042 (90-OA-25)	05/19/92	Pending	35-146TC
4043 (90-OA-25)	05/19/92	Not Certified	35-169, 171
4045 (92-OA-03)	05/19/92	08/13/92	35-53
4046 (92-OA-03)	05/19/92	08/13/92	35-58
4047 (92-OA-03)	05/19/92	08/13/92	35-102D
4048 (92-OA-03)	05/19/92	08/13/92	35-144E
4067 (92-OA-10)	08/18/92	07/02/93 ³	35-58, 35-68, 35-69, 35-70, 35-71, 35-72, 35-73, 35-74, 35-75, 35-76, 35-77, 35-80, 35-81, 35-82, 35-83, 35-84, 35-85, 35-89, 35-114, 35-115, 35-121, 35-126, 35-132, 35-161, 35-169, 35-170, 35-172, 35-174, 35-182, 35-184
4068	09/01/92	09/10/92 ²	35-87, 35-92
4080 (92-OA-09)	12/15/92	02/16/93 ²	35-191
4081 (92-OA-15)	12/15/92	03/17/93	35-54, 35-71
4082 (92-OA-20)	12/15/92	03/17/93	35-200, 35-201, 35-202, 35-203, 35-204, 35-205, 35-206, 35-207
4084 (91-OA-01)	12/15/92	07/02/93	35-58, 35-88, 35-145, 35-146, 35-147, 35- 148, 35-169, 35-172

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Ordinance No.	B/S Adoption Date	Certification Date¹	Amended Sections
4086 (92-OA-21)	12/15/92	07/02/93 ³	35-58, 35-68, 35-70, 35-77A, 35-78, 35-79, 35-82, 35-83, 35-84, 35-85, 35-91, 35-107, 35-119, 35-125, 35-132, 35-172, 35-174
4094 (90-OA-25)	04/06/93	07/14/93	35-171
4097 (90-OA-04)	05/18/93	Pending	35-69
4101 (90-OA-03)	05/18/93	Pending	35-177
4110 (92-OA-28)	07/20/93	06/08/94	35-52, 35-53, 35-54, 35-77A, 35-84A, 35-102C, 35-192
4127 (93-OA-08)	11/16/93	Not Certified	35-53, 35-58, 35-68, 35-70, 35-71, 35-73, 35-77, 35-78, 35-79, 35-80, 35-84, 35-85, 35-102C, 35-118, 35-120, 35-142, 35-142A, 35-144C, 35-144D
4162 (90-OA-25)	07/26/94	08/10/94	35-93
4166 (94-OA-02)	10/04/94	12/14/94	35-174
4169 (93-OA-08)	10/11/94	11/10/94	35-53, 35-58, 35-68, 35-70, 35-71, 35-73, 35-77, 35-78, 35-79, 35-80, 35-84, 35-85, 35-102C, 35-118, 35-120, 35-142, 35-142A, 35-144C, 35-144D
4171 (91-OA-01)	10/25/94	06/08/94	35-146, 35-147, 35-170, 35-172
4186 94-OA-16)	03/14/95	09/15/95	35-58, 35-68, 35-70, 35-71, 35-73, 35-142, 35-142A
4196 (94-OA-05)	05/16/95	09/15/95	35-71, 35-81, 35-119, 35-120, 35-139, 35-163, 35-169, 35-174, 35-184, 35-207, 35-208, 25-209, 35-210, 35-211, 35-212, 35-213, 35-214, 35-215
4227 (95-OA-12)	06/18/96	10/09/96	35-58, 35-98, 35-106, 35-107, 35-118, 35-125, 35-144B, 35-160, 35-161, 35-162, 35-163, 35-169, 35-170 (Deleted), 35-171, 35-172, 35-174, 35-175, 35-176, 35-179, 35-180, 35-181, 35-182, 35-191, 35-214, APPENDIX D
4235 (94-OA-17)	09/03/96	09/11/96	35-58, 35-69, 35-92, 35-127, 35-154, 35-158
4234 (96-OA-07)	07/23/96	09/09/97	35-150, 35-180, Appendix E
4250 (96-OA-09)	11/19/96	10/09/97	35-210, 35-211
4263 (95-OA-08)	06/24/97	10/09/97	35-58, 35-118, 35-127, 35-144F, 35-145, 35-169, 35-172, 35-174, 35-184, 35-191, 35-204
4266 (94-OA-13)	06/24/97	10/09/97	35-53, 35-102, 35-128
4298 (97-OA-10)	03/24/98	06/06/98	35-58, 35-68, 35-69, 35-71, 35-72, 35-78, 35-83, 35-85, 35-119, 35-120, 35-126, 35-131, 35-144F, 35-169, 35-172, 35-174, 35-178, 35-181, 35-185, 35-191, 35-202
4318 (98-OA-09)	06/23/98	12/08/98	35-52, 35-58, 35-76, 35-77, 35-77A, 35-78, 35-79, 35-84A, 35-161, 35-162, 35-169, 35-171, 35-172, 35-174, 35-178, 35-180, 35-182, 35-184, 35-191.9 (deleted)
4339 (98-OA-14)	10/27/98		35-54.2
4378 (98-OA-17)	11/16/99		35-58, 35-68, 35-69, 35-70, 31-71, 35-72, 35-73, 35-74, 35-75, 35-78, 35-83, 35-84, 35-143
4388 (98-OA-16)	05/18/99		35-53, 35-102E
4406 (99-OA-11)	09/12/00	07/10/01	35-58, 35-68, 35-69.6, 35-70.6, 35-71.6, 35-72.6, 35-73.5, 35-76.6, 35-77.6, 35-90.7, 35-134, 35-169
4529	04/20/04	06/09/04	35-53, 35-58, 35-68.3, 35-68.4, 35-68.13, 35-102E, 35-162.2

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4455	04/16/02		35-102C.6, 35-144C.7
4517	12/02/03	08/16/05	35-142, 35-142A
03ORD-00000-00002			
4550	09/21/04	02/16/05	35-58, 35-158.7, 35-170, 35-182.2
4572	04/27/04		35-93A, 35-162.2, 35-194
4557	12/04/04	09/13/06	35-52, 35-53, 35-58, 35-68.3, 35-68.6, 35-69.3, 35-69.6, 35-70.3, 35-70.6, 35-71.3, 35-71.6, 35-71.7, 35-71.8, 35-71.9, 35-71.12, 35-72.3, 35-72.6, 35-72.8, 35-72.9, 35-73.3, 35-73.4, 35-73.5, 35-73.7, 35-74.4, 35-74.13, 35-75.7, 35-78.5, 35-79, 35-82, 35-83.4, 35-84A, 35-85, 35-86, 35-90.3, 35-90.7, 35-102B, 35-119, 35-120, 35-121, 35-123, 35-124, 35-125, 35-126, 35-131, 35-132, 35-137, 35-142.6, 35-142.7, 35-144I, 35-161.1, 35-162.1, 35-169.2, 35-172.4, 35-172.6, 35-172.13, 35-174.2, 35-185.6
04ORD-00000-00021			
4581	11/22/05	06/14/07	35-58, 35-127
05ORD-00000-00001			
4585	11/22/05	06/11/2008	35-77A.2, 35-78.2, 35-78.3, 35-98, 35-141, 35-144, 35-169.4, 35-174.4, 35-174.6, 35-179.5, 35-179.6, 35-184
05ORD-00000-00014			
4588	12/13/05		35-52.2, 35-52.5, 35-58, 35-144F, 35-144G, 35-169.2, 35-172.6
05ORD-00000-00004			
4594	01/24/06	03/05/08	35-142, 35-143, 35-144F, 35-144G, 35-169, 35-181
05ORD-00000-00016			
4595	01/24/06	03/05/08	35-58, 35-96, 35-117, 35-119, 35-137, 35-142, 35-144F, 35-144H, 35-161, 35-169, 35-172, 35-173, 35-174, 35-176, 35-177, 35-178, 35-179, 35-182
05ORD-00000-00019			
4602	03/21/06	04/12/06	35-58, 35-69.4, 35-150.1, 35-154.4B, 35-157.1, 35-158, 35-159, 35-170.2
04ORD-00000-00018			
4622	09/26/06	05/10/07	35-58, 35-127
06ORD-00000-00007			

NOTES:

1. Coastal Commission Final Certification Hearing Date is listed except as otherwise noted.
2. Coastal Commission Modification approval date.
3. Date of approval by operation of law.

APPENDIX B

SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

(Endorsed by Board of Supervisors, 12/15/92)

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Zoning Ordinance allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Zoning Counter and pays applicable fees which may vary depending on the complexity of the request.
2. The project manager, if they are still available, reviews the project description that was considered at the time of project approval.
3. The project manager considers key issues:
 - a. Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?
 - b. Will the deviation result in a change to the project that would alter the scope and intent of the project the decision-makers acted on?
 - c. Would the deviation alter the public's perception of the project?
 - d. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

If the answer to any of these basic questions is "yes", the project manager cannot make a determination of substantial conformity.

4. The project manager compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
 - a. Does not conflict with project conditions of approval and/or final map conditions.
 - b. Does not result in health or safety impacts.
 - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the County.
 - d. That the changes proposed can be effectuated through existing permit conditions.
 - e. That the impacts and changes do not alter the findings that the benefits of the project

- outweigh the significant unavoidable environmental effects made in connection with the original approval.
- f. Does not result in an increase of 1,000 square feet or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.
 - g. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
 - h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.
 - i. Is consistent with Comprehensive and/or Coastal plan policies and applicable zoning ordinances.
 - j. Does not result in more than 50 cubic yards, and avoid slopes of 30 percent or greater (unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts).
 - k. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
 - l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zoning district.
 - m. Receives BAR approvals for landscaping and structures, if necessary.
 - n. Does not result in intensification of use, e.g., no new employees, no increases in traffic, etc., if these were important to the previous environmental/policy analysis.
 - o. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the project manager takes action as follows:
- a. If a Substantial Conformity Determination request is minor, e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, with approval from their supervisor, the project manager issues the appropriate permit (LUP/CDP).
 - b. The project manager prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed by a Supervising Planner, and possibly signed by the Deputy Director. If the case will be monitored, the letter is sent to Permit Compliance staff so they are aware of changes in the project.

- c. If the findings to be made may be controversial, the project manager and Supervising Planner defer the decision to the Deputy Director.
- 6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
 - a. Withdraw the request and continue with the project as approved, or
 - b. Submit a request to the Planning Commission for a Substantial Conformity Determination*, or apply for amendment or revision of the original permit.

*Please note: Substantial Conformity Determinations are made by the Planning Commission if: conditions specifically require Planning Commission determination, the applicant disagrees with staff's determination, or staff determines there are border line issues which require Planning Commission attention.

APPENDIX C

COUNTY GUIDELINES ON REPAIR AND MAINTENANCE AND UTILITY CONNECTION TO PERMITTED DEVELOPMENT

(Adopted and Incorporated by Reference by Ord. 3312, 7/19/92)

I. GENERAL PROVISIONS.

Section 35-169.2 of the Coastal Zoning Ordinance states in part: "A Coastal Development Permit shall be required for all development in the coastal zone with the exception of the following:

1. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities.
2. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit."

These guidelines are intended to detail the types of development activities the County considers repair, maintenance or utility connections between an existing service facility and permitted development. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Coastal Planner, after consultation with the Director, if necessary, will determine whether a permit is required.

II. DESCRIPTION OF ACTIVITIES EXCLUDED.

The following construction activities and comparable activities to those listed do not require a Coastal Development Permit except as specified below:

- A. **ROADS.** No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing, installation or expansion of retaining walls, safety barriers and railings and other comparable developments within the existing right of way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: 1) Flexible Roadbed Program; 2) Rigid Roadbed Program; 3) Roadside Maintenance Program; 4) Roadway Litter and Debris Program; 5) Vegetation Control Program; 6) Pavement Delineation Program; 7) Sign Program; 8) Electrical

Program; 9) Traffic Safety Devices Program; 10) Public Service Facility Program except that a permit is required for construction of new facilities; 11) Landscape Program; 12) Bridge and Pump Maintenance Program; 13) Tubes, Tunnel and Ferry Maintenance Program; 14) Bridge Painting Program; 15) Miscellaneous safety projects, provided there is not expansion in the roadway or number of traffic lanes; 16) Major damage maintenance, repair and restoration; 17) Comparable Minor Alterations.

Note: See "Appendix to Guidelines, Section IIA" for more detailed description of activities included in these programs.

B. PUBLIC UTILITIES.

1. Natural Gas, Chilled Water and Steam Facilities.

a. Service Connections. Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either having a Coastal Development Permit or exempt from Coastal Development Permit including:

- 1) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, backfill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.
- 2) Extend underground gas, chilled water and/or steam service piping from the main locations, except in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those in Item (1) above.
- 3) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water and/or steam service to the customer's piping system.
- 4) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.
- 5) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.

b. Distribution and Transmission Facilities.

- 1) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys,

repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.

- 2) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either having a Coastal Development Permit or exempt from a Coastal Development Permit). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.
- c. Production and Storage Facilities. Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities, gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.
- d. Miscellaneous. Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.
- e. Grading and Clearing. Maintenance activities shall not extend to the construction of any new roads to the site of the work.

2. Electric Utilities.

- a. Generation Stations, Substations, Fuel Handling, Transportation and Storage Facilities and Equivalent Facilities. A Coastal Development Permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A Coastal Development Permit is not required for installation of any required new safety devices and pollution control facilities within existing structures or equipment, or where land coverage, height or bulk of existing structures will not be increased.
- b. Transmission and Distribution and Communication Facilities. A Coastal Development Permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A Coastal Development Permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development either having a Coastal Development Permit or exempted from a

Coastal Development Permit, or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A Coastal Development Permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements (P.U.E.).

- c. Services. Electrical service and metering facilities may be installed and placed in service to any development either having a Coastal Development Permit or exempt from a Coastal Development Permit. In addition, a Coastal Development Permit is not required to maintain, replace, or relocate service or metering facilities for such developments. A Coastal Development Permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.
 - d. Grading and Clearing. These activities shall not extend to the construction of any new road to the site of the Work.
 - e. Definitions.
 - 1) Line Extension. All facilities for permanent service excluding transformers, service and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.
 - 2) Service. A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.
 - 3) Supply Point. Any transformer, pole, manhole, pull box or other such facility at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.
3. Telephone. No permit or conditions are required for the activities of a telephone company that come within the following areas:
- a. Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.
 - b. Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.
 - c. Placement of additional aerial facilities on existing poles.
 - d. Removal of existing poles and facilities thereon, where new, replacement facilities have been placed underground.
 - e. Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground

- service connections or aerial service connections from existing poles with any necessary clearance poles.
- f. Removal of minor vegetation for maintenance purposes (tree trimming, etc.).
 - g. Maintenance activities shall not extend to the construction of any new roads to the site of the work.
4. Others, including Water, Sewer, Flood Control, City and County Public Works, Cable T.V. No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development having a Coastal Development Permit or exempt from a Coastal Development Permit, placement of additional facilities on existing poles, or placement of existing facilities underground provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments having a Coastal Development Permit or exempt from a Coastal Development Permit. Maintenance activities shall not extend to the construction of any new roads to the site of the work.
- C. PARKS. No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.
- D. INDUSTRIAL FACILITIES. No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.
- E. OTHER STRUCTURES. For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size of the structure is not altered.
- F. DREDGING AND BEACH ALTERATION. (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610(c) of the Coastal Act. Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the South Central Coast Regional Commission.)

III. REPAIR AND MAINTENANCE ACTIVITIES REQUIRING A PERMIT

- A. For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:
- 1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall,

breakwater, groin, culvert, outfall, or similar shoreline work that involves:

- a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in a coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - c. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
 - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
2. Any method of routine maintenance dredging that involves:
- a. The dredging of 100,000 cubic yards or more within a 12 month period;
 - b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
 - c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
- a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
 - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit requirements of the Coastal Zoning Ordinance. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations.

- B. Unless destroyed by natural disaster, the replacement of 50 percent or more of a seawall revetment, bluff retaining wall, breakwater, groin or similar protective work under one

ownership is not repair and maintenance under this Article but instead constitutes a replacement structure requiring a Coastal Development Permit.

- C. Notwithstanding the above provisions, the director shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

Appendix To Guidelines, Section IIA

Detailed description of activities included in road maintenance programs for which no Coastal Development Permit is required.

1. Flexible Roadbed Program. This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.
2. Roadbed, Rigid. The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.
3. Roadside Maintenance Program. This program includes the repair, replacement and cleaning of ditches, culverts, underdrains, horizontal drains and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program. Installation of slope protection devices, minor drainage facilities. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the fish and Game Code, or excavation or disposal of fill outside of the roadway prism.
4. Roadway Litter and Debris Program. This program includes all work concerning roadbed and roadside cleanup operations to ensure that the highway presents a neat, clean and attractive appearance.
5. Vegetation Control Program. Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights of way. Included is cutting and trimming by hand and mechanical means.
6. Pavement Delineation Program. The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.

7. Sign Program. The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.
8. Electrical Program. This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fencers or piling are included in this program.
9. Traffic Safety Devices Program. Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and portland cement concrete walls, the repair and maintenance of energy dissipators such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.
10. Public Service Facility Program. Public Service Facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.
11. Landscape Program. This program refers to the treatment maintenance and replacement of all vegetative material planted within the State Highway right of way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.
12. Bridge and Pump Maintenance Program. The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.
13. Tubes, Tunnel and Ferry Maintenance Program. The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.
14. Bridge Painting Program. This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.
15. Miscellaneous Safety Projects. Elimination of hazards within the operating areas or the operating right of way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right of way to improve roadside safety.
16. Major Damage Maintenance, Repair and Restoration. Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as

possible following major damage from storms; earthquakes, tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the coastal Act. Inquiries should be directed to the Regional Commission staff if at all possible, prior to commencement of construction.)

17. Miscellaneous Alterations.

- a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.
- b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, et., including turn pockets, where construction is performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.
- c. Maintenance of existing bicycle facilities.
- d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.
- e. Devices such as glare screen, median barrier, fencing, guard rail, safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.
- f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.
- g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.
- h. Modification, upgrading, alteration, relocation, or removal of railroad grade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.

APPENDIX D

GUIDELINES FOR MINOR CHANGES TO LAND USE AND COASTAL DEVELOPMENT PERMITS

The following guidelines shall be used by the planning and development department to determine if a minor change to an approved or issued Land Use/Coastal Development permit can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from BAR review pursuant to Section 35-184.3.
2. The proposed change would otherwise be exempt from Land Use and Coastal Development Permits pursuant to Section 35-169.2 (e.g., interior alterations, windows, skylights, decks).
3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. The change does not increase the height of the roof ridgeline.
5. The change would not be counter to design direction provided by the Board of Architectural Review.
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen tree(s).
8. The change does not affect easements for trails, public access, or open space.
9. The change does not increase the required number of parking spaces.

If the proposed minor change does not conform to the guidelines identified above, the applicant should apply for a new development permit.

APPENDIX E

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING MEASURE A96 - VOTER APPROVAL INITIATIVE

(Adopted and Incorporated by Reference by Ord. 4234, 7/23/96)

The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative as incorporated in Section 35-150.1 of Article II, "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election.

1. Legislative Acts - Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative", "executive", or "quasi-judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case-by-case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:

An action is "legislative" if it prescribes new policy or plan.

An action is "administrative" if it applies existing policy.

General Plan amendments and rezones are legislative actions.

Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.

Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.

Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.

Repair and maintenance projects are processed administratively under Article II, Appendix C and do not require legislative approvals.

Limited Exception Determinations for nonconforming industrial uses granted pursuant to Section 35-161.7 or other similar permits for minor modifications that do not expand or

extend the life of an existing facility are not legislative approvals.

2. Onshore Support Facilities - Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities related to offshore energy resources."

Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case-by-case review.

Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter referendum, nor are projects within Article IV of the County Zoning Ordinances (Montecito area).

Measure A96 does not apply to projects within cities or on other lands exempt from the County's Zoning Ordinance pursuant to Article II, Section 35-51.

Onshore pipeline projects are specifically exempt from Measure A96.

Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).

3. Procedures for Implementing Measure A96 - Elections to consider Board-approved projects would occur at the next regular election according to timelines provided in the California Elections Code.

The California Coastal Commission must approve any changes to the Local Coastal Plan or Coastal Zoning Ordinance. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:

- a) Board of Supervisors approval;
- b) Project consideration by the voters of Santa Barbara County;
- c) Project consideration by the California Coastal Commission.

Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the County's Coastal Land Use Plan or Coastal Zoning Ordinance if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Coastal Plan or Zoning Ordinance amendment of energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.

APPENDIX F

GUIDELINES FOR TELECOMMUNICATION SITES IN RURAL AND INNER RURAL AREAS

(Adopted by the Board of Supervisors on February 9, 1999)

These guidelines implement the requirements contained in Article II of the County Code for telecommunication sites. Special circumstances may dictate deviation from these guidelines based on recommendations of the BAR and the determination of the decision-maker.

A. Site Design.

1. Berming/Bunkering.

- a. If ground equipment cannot be screened by natural topography and/or existing vegetation, and the provision of new landscape screening is not considered feasible or appropriate, the equipment areas may be screened through the use of bunkers, low berms, or a combination of both.
- b. Bunker walls should not be visible from public viewing areas.
- c. Low berms (2 to 3 feet) may be used on sides of the facility visible from public roadways. The berms should be naturally contoured using excess cut material from the site.
- d. Any berming and/or bunkering should avoid impacts to existing vegetation and should not create additional erosion problems.
- e. The antennas should be located out of the skyline as much as possible (move downslope).

2. Fencing.

- a. All fencing should be made out of material that blends into the surrounding terrain and should not create any visual impacts.
- b. Per the communication ordinance standards, the general public shall be excluded from the facility.
- c. If a site is not accessible to the general public, the County may not require security fencing. A low cattle guard should be considered to keep range animals out of the facility. The cattle guard should be constructed out of the smallest diameter pipe possible.
- d. If the lease area is accessible to the general public, security fencing, such as chain link, should be used. The fencing should be no higher than five feet above finished grade.
- e. Solid inserts in the fencing will be discouraged.

3. Access Roads. The creation of new access roads or substantial improvement of existing roads as a direct result of the telecommunication project will be discouraged.
 4. Lighting. Lighting of the facility, other than lighting for emergency repairs, will be discouraged.
 5. Signage. If signs are required for the project, such as directional signs per Fire Department recommendations, then the signs should be as small as possible and placed in locations not readily seen from public viewing areas, if possible.
 6. Vegetation.
 - a. Site design should minimize impacts to existing vegetation.
 - b. Disturbed areas (e.g. trenches, berms, cuts), or areas that require erosion control, should be re-vegetated with a seed mix/plantings compatible with the surrounding vegetation. A temporary irrigation system may be required.
 - c. If landscaping is required for screening purposes, the landscaping should consist of long-lived plant species native to that area. The planting of exotic species is discouraged. A permanent or temporary irrigation system may be required.
- B. Collocation/Trenching.
1. If a site has existing carriers, it is preferable to have the new facility tie into existing electric and/or telephone pedestals of the existing carriers at the lease site as opposed to trenching from the closest utility lines. This is not always possible and requires the cooperation of competitors.
 2. If a significant amount and distance of trenching must occur, then it should be confined to previously disturbed areas or follow the existing access road and should contain extra conduit for future expansion by other carriers.
 3. If a utility trench is located in a constrained area (e.g. steep slopes, sensitive resources, highly visible area, other underground utilities), the location of the trench may be marked and reviewed in the field in order to minimize impacts to the sensitive resources and/or to avoid conflicts with other utilities.
- C. Visual Impacts.
1. Colors.
 - a. The color of the facility should match the backdrop from the most visible public viewpoint.
 - b. The color of the at-grade equipment that is not visible in the skyline should match the color of the surrounding vegetation that predominates for the majority of the year.
 - c. If an existing facility is located at the proposed lease site, and the existing facility has

a color scheme that successfully reduces visual impacts, then the existing facility should serve as a guide for the color scheme of the proposed facility.

- d. Equipment visible against the skyline should in most cases be a medium grayish color. A sky blue color should only be used with caution since it tends to be more visible on overcast or foggy days.
- e. Color schemes (all flat colors; equivalent colors from any paint manufacturer may also be used):

Antennas/equipment visible against skyline = gray, e.g. Dutch Boy “Marblehead” (32-V-2), Frazee “Tradewind” (8641W), or Frazee “Dusty Miller” (8634M).

Equipment (including fencing), and in some cases, antennas within an oak woodland, or other dark green vegetation = Dark green, e.g. Frazee “Blackened Beam (8646N), Frazee “Greek Olive” (8656N), or Frazee “Potting Shed” (8666N).

Equipment (including fencing), and in some cases, antennas within a grassland (example, ridges around Los Alamos and Los Olivos) = green/tan, e.g. Frazee “Wild Grasses” (8175D), Frazee “Backpack” (8664M), or Frazee “Muddy River” (8674M).

Equipment (including fencing), and in some cases, antennas within a savannah (example, hills south of Lompoc) = green/gray, e.g. Frazee “Muddy River” (8674M).

- f. The least visually obtrusive support structure as viewed from the most visible public viewpoint should be used. Natural wood poles, steel poles, concrete poles, or lattice towers are all acceptable support structures. The decision-makers would ultimately determine the appropriate support structure for a particular site with recommendations from staff.
- g. If organic or mineral mulch and/or rip-rap are used within the lease area, the material should match, or be compatible with, the color of the ground surface. For example, the use of white rock on a tan ground surface would be discouraged.
- h. If temporary or permanent irrigation is required, all above ground equipment (i.e. water tanks) should be painted the same color as the facility so as not to create new visual impacts.

APPENDIX G

DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS

(Adopted by the Board of Supervisors on December 2, 2003)

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that a septic system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.
 - a. A description of the methodology employed in the performance test.
 - b. A site plan showing the location of the test.
 - c. A table of data obtained for the performance test at each test location.
 - d. A log of the subsurface soil and groundwater conditions encountered.
 - e. A statement as to which soil zones will be those utilized by the installed system.
 - f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
 - g. A site plan indicating the septic system location, the 100 percent expansion area, all required setbacks and the area designated for development.
 - h. A statement that the parcel can be developed as proposed and that the septic system can be expected to function satisfactorily with normal use and routine maintenance.

All septic systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:
 - a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.
 - b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.
 - c. A plot plan showing the existing sewage disposal system for the main house, including the area required to be reserved for the 100 percent expansion area, and the proposed system for the second unit.
 - d. The on-site sewage disposal system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
 - e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.
 - f. For drywell disposal:
 - 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.
 - 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.