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

ADDENDUM

Th17b&c

DATE: August 11, 2010

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 17b&c, Thursday, August 12, 2010, County of Santa Barbara Major Amendment 1-09 (Land Use and Development Codes & Rezone)

The purpose of this addendum is to: (1) update Suggested Modification 11 to specify that existing grazing within historical legal grazing areas is exempt from the requirement to obtain a Coastal Development Permit; (2) clarify that public safety facilities such as fire stations are an allowed use in commercial zones; (3) revise procedures for amendments to Conditional Use Permits and Development Plans consistent with the hearing process and noticing updates; (4) attach letter from the Santa Barbara County Board of Supervisors, dated August 3, 2010 and (5) attach correspondence in opposition and support of the staff recommendation, received as of August 10, 2010

Note: Double ~~strikethrough~~ indicates text deleted from the July 28, 2010 staff report pursuant to this addendum and double underline indicates text added to the July 28, 2010 staff report pursuant to this addendum.

1. Suggested Modification 11 on page 108 of the July 28, 2010 staff report shall be modified as follows:

11. Exemptions

...

35.20.040.C.3.h & i

h. Grazing, historic legal use. Grazing when located in existing grazing areas, ~~where the use does not significantly increase the intensity of use. The~~ including the normal rotation of livestock from one pasture to another ~~does not qualify as increasing the intensity of use~~. The conversion of grazing area to cultivated agriculture, orchard, or vineyard shall be interpreted as an increase in the intensity of use. This exemption does not include confined animal facilities unless such development is otherwise exempt in compliance with this Section.

~~**i. Grazing, new or expanded areas.** New grazing located outside of existing grazing areas may also be exempt if the grazing:~~

~~(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.~~

~~(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.~~

~~(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.~~

~~(4) Does not result in the removal of native or non-native protected trees. And~~
~~(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.~~

…

2. Suggested Modification 9, Exhibit 4 of the July 28, 2010 staff report shall be modified as follows:

9. Allowed Land Uses and Permit Requirements Tables

The "Allowed Land Uses and Permit Requirements" Tables for all zones in Article 35.2 shall be modified as shown in Exhibit 4, Modifications to Allowed Land Use and Permit Requirements.

…

Add land use category "Public safety facility" as a "P" use in the C-1 (CZ), C-2 (CZ), CH (CZ) and PI (CZ) zones.

…

3. Suggested Modification 3 on page 57 of the July 28, 2010 staff report shall be modified as follows:

3. Appeals (LCPA 2-06)

…
35.84.040 *- Changes to an Approved Project - shall be modified as follows:*

…

D. Amendments. Where a change to an approved Conditional Use Permit or Final Development Plan is determined by the Department to not be in substantial conformity with the approved permit in compliance with Subsection C., above, the ~~Director~~ review authority 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~~ area of the proposed new development that is ~~under review~~ the subject of the application for the Amendment:

(~~1~~a) 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~~b) 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. ~~**Permit required prior to commencement of development.** Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits)~~

~~or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required in compliance with the following.~~

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

~~**(1) Development that may be appealed to the Coastal Commission.** An Amendment to a Conditional Use Permit or Final Development Plan for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) shall be processed as follows:~~

~~(a) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~(b) The application for the Amendment shall be processed concurrently and in conjunction with an application for a Coastal Development Permit subject to the processing requirements of Section 35.82.050.D. The Zoning Administrator shall be the review authority.~~

~~(c) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below, in addition to the applicable findings required in compliance with Section 35.82.050 (Coastal Development Permits).~~

~~(d) The action of the review authority is final, subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~**(2) Other development.** An Amendment to a Final Development Plan for development that is not included in Subsection D.2.a(1), above, shall be processed as follows:~~

~~(a) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~(b) The application for the Amendment shall be processed concurrently and in conjunction with an application for a Coastal Development Permit subject to the processing requirements of Section 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit or Final Development Plan).~~

~~(c) An application for an Amendment to a Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below, in addition to the applicable findings required in compliance with Section 35.82.050 (Coastal Development Permits).~~

~~(d) The action of the review authority is final, subject to appeal in compliance with Chapter 35.102 (Appeals).~~

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

~~(1) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~(2) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below.~~

~~(3) 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 35.106 (Noticing and Public Hearings).~~

~~(4) The action of the Director is final, subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~(5) Prior to the commencement of the development and/or use authorized by the Amendment the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permit) shall be required.~~

~~(a) The Land Use Permit shall not be approved prior to the approval of the Coastal Development Permit by the Coastal Commission.~~

~~**c. Inland area.**~~

~~(1) An Amendment to a Conditional Use Permit or Final Development Plan for development located in the Inland area shall be processed as follows:~~

~~(a) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~(b) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below.~~

~~(c) 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 35.106 (Noticing and Public Hearings).~~

~~(d) The action of the Director is final, subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~(e) Prior to the commencement of the development and/or use authorized by the Amendment the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required.~~

Contents of application. An application for an Amendment shall be submitted in compliance with Chapter 25.80 (Permit Application Filing and Processing).

a. If an application for an Amendment is submitted for property located in the Coastal Zone for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals), then an application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

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

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

3. Processing.

a. Development that may be appealed to the Coastal Commission. An application for an Amendment to a Conditional Use Permit or Final Development Plan for development that is located in the Coastal Zone and is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and an application for the Coastal Development Permit if required in compliance with Subsection D.2.a., above, shall be processed as follows:

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

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

(3) Notice shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).

(4) Review authority, action and appeal.

(a) Zoning Administrator.

(i) The Zoning Administrator shall be the review authority for the application for the Amendment and the application for the Coastal Development Permit.

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

(iii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(iv) The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(5) Findings.

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

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

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

(b) The application for the Coastal Development Permit shall be approved or conditionally approved only if the review authority first makes all of the findings required in compliance with Subsection 35.82.050.E.2.

b. Development that may not be appealed to the Coastal Commission. An application for an Amendment to a Final Development Plan for development that is

located in the Coastal Zone and is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and an application for an Amendment to a Conditional Use Permit or Final Development Plan for development that is located in the Inland area shall be processed as follows:

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

(2) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if determined to be necessary by the Director.

(3) Notice shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).

(4) Review authority, action and appeal.

(a) The Director shall be the review authority for the application for the Amendment.

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

(c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

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

(a) That the findings required for approval of the Conditional Use Permit or Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit or Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.

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

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

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

(1) Development that may be appealed to the Coastal Commission. A Coastal Development Permit approved in compliance with Subsection D.3.a, above shall not be issued and deemed effective in compliance with Section 35.82.020

(Effective Date of Permits):

(a) 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 35.102 (Appeals).

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

(c) Until all necessary prior approvals have been obtained.

(d) Until the applicant has signed the Coastal Development Permit.

(e) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Chapter 35.102 (Appeals).

(2) Development that may not be appealed to the Coastal Commission. A Coastal Development Permit shall be approved and issued in compliance with Subsection 35.82. 050.D.1. The Coastal Development Permit shall not be issued and deemed effective in compliance with Section 35.82.020 (Effective Date of Permits):

(a) 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 35.102 (Appeals).

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

(c) Until all necessary prior approvals have been obtained.

(d) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Design Review approval in compliance with Section 35.82.070 (Design Review).

(e) Until the applicant has signed the Coastal Development Permit.

b. Coastal Zone, Land Use Permit required. If the proposed development and/or use proposed to be allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required. The Land Use Permits shall not be issued and deemed effective in compliance with Section 35.82.020 (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 in compliance with Chapter 35.102 (Appeals).

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

(3) Until all necessary prior approvals have been obtained.

(4) For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Design Review approval in compliance with Section 35.82.070 (Design Review).

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

c. Inland area, Zoning Clearance required. If the proposed development and/or use proposed to be allowed by the Amendment is located within the Inland area, then the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required. The Zoning Clearance shall not be issued and deemed effective in compliance with Section 35.82.020 (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 in compliance with Chapter 35.102 (Appeals).

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

(3) Until all necessary prior approvals have been obtained.

(4) For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Design Review approval in compliance with Section 35.82.070 (Design Review).

~~**2. Findings.** An Amendment application shall be approved or conditionally approved only if the Director review authority first makes all of the following additional findings:~~

~~a. In addition to the findings required for approval of a Conditional Use Permit or Final Development Plan identified in Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.080.E (Findings required for approval), as applicable, the Amendment is consistent with the specific findings of approval, including the 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 Final 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 35.106 (Noticing and Public Hearings).~~

SALUD CARBAJAL
First District

JANET WOLF
Second District, Chair

DOREEN FARR
Third District

JONI GRAY
Fourth District, Vice Chair

JOSEPH CENTENO
Fifth District

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COUNTY OF SANTA BARBARA

August 3, 2010

Bonnie Neely, Chair, and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code, and Two Parcel Rezone, Montecito)

Dear Chair Neely and Members of the Commission,

The Santa Barbara County Board of Supervisors appreciates your staff's commitment to bringing our amendment to hearing at the August hearing scheduled in San Luis Obispo. The County's reformatting of the Coastal Zoning Ordinance into the Land Use and Development Code has been in process since December of 2003. The County spent several years in an extensive local preparation, public review and adoption process that culminated in the submittal of the County and Montecito Codes for certification to your Commission's staff in the fall of 2006 and 2007. During the preparation and adoption of the Codes your staff was not able to participate in the County's local process due to significant staff resource constraints. However, your staff is recommending modifications which would update the County's Local Coastal Program through the implementing ordinance to meet current standards. Some of these suggested modifications appear to go beyond the original purpose of the reformatting project. Since the fall of 2009, your staff has worked diligently with County staff to try to address major substantive concerns with the suggested modifications as proposed by Commission staff. We appreciate the time and effort your staff has committed to this endeavor, including resolving several additional issues over the past few weeks.

The County Board of Supervisors understands and appreciates the goals of the suggested modifications, and values the Coastal Commission as an essential partner in protecting coastal resources and access to the coast. The Board of Supervisors, after receiving the suggested modifications, directed the Planning and Development Department to conduct outreach to many constituent groups for their input. Based upon those efforts, as well some of the public comments received at the several recent Board of Supervisors public hearings, we are requesting consideration of further revisions (briefly outlined below) to the suggested modification contained in the most recent Coastal Commission staff report dated July 28, 2010. These additional revisions are divided into two groups. The first group represents those areas that the Board is in full agreement on. The second group includes items that not all members of the Board agreed.

To that end, the County is requesting that the Coastal Commission hold its hearing on the County's Land Use and Development Codes on August 12th, provide the County and your staff with direction on the following changes to the suggested modifications, and request your staff to work with the County of Santa Barbara and its constituents through local public workshops to receive further input and

attempt to resolve the remaining issues. The County requests that this matter return to your Commission for decision at your November 2010 hearing scheduled for the Los Angeles/Orange County area, the last southern California meeting before the Commission is required to act on the Land Use and Development Codes.

GROUP 1: The County is requesting direction on the following revisions that reflect the consensus opinion of the Board of Supervisors.

Modification 9: Requirement for Coastal Development Permit for all intensifications of agriculture.

The suggested modifications to the land use tables could arguably require that any agriculture that represents new development or intensification first obtain a Coastal Development Permit. Also, in zones other than agricultural zones, agriculture is not designated as a principal permitted use, and therefore any Coastal Development Permit would be subject to a public hearing and potential appeal to the Coastal Commission. The County highly values our local agricultural industry and has adopted several policies that seek to both protect existing agricultural operations as well as to promote the expansion of agriculture. Our staff has worked closely with your staff to craft a solution for permitting agricultural expansions in a manner that reflects these policies and protects important coastal resources.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to:

- *Revise the exemption language for Section 35.20.040.C.3.e (Cultivated agriculture, orchards and vineyards, new or expanded areas) to delete the requirement that to be exempt from a Coastal Development Permit any grading associated with the new or expanded area be restricted to 50 cubic yards or less.*
- *Revise the exemption language for Section 35.20.040.C.3.h (Grazing, historic legal use) to (1) simply provide that grazing located in existing grazing areas, including the normal rotation of livestock from one pasture to another, is exempt from a Coastal Development Permit, and (2) delete the proposed new Section 35.20.040.C.3.i (Grazing, new or expanded areas).*

Modification 9: Requirement for Coastal Development Permit for keeping of animals.

This modification to the animal keeping tables could arguably require that a Coastal Development Permit be approved in order to keep any animal in most instances. Additionally, in residential zones, the keeping of large animals (e.g., horses) is not designated as a principal permitted use, and is therefore subject to a public hearing and potential for appeal to the Coastal Commission. The first suggestion listed below seeks again to balance the County policies regarding agriculture and coastal resource protection. The second suggestion recognizes that keeping large animals on large residential lots is a common occurrence in Santa Barbara County and is considered accessory to the residential use.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to:

- *Specify that animal keeping is exempt from a Coastal Development Permit in all zones if (1) it occurs in areas where animal keeping has historically occurred, and (2) the animal keeping tables do not specify that a conditional use permit is required (e.g., the animal keeping does not constitute a commercial livestock feed sales yard, dairy, or hog ranch).*
- *Revise the animal keeping tables for the non-agricultural zones to designate, where allowed, the keeping of large animals and other livestock as a Principal Permitted use subject to the limitation on the number of such animals included in the animal keeping*

regulations (e.g., one horse per each 20,000 square feet of lot area, up to a maximum of five).

Modification 10: Restrictions on certain accessory uses designated as principal permitted uses in the Agricultural, Resource Protection, and Residential zones.

In the Agricultural, Resource Protection, and Residential zones, artist studios, guest houses and residential second units are proposed to be designated as non-principal permitted uses, subject to a public hearing and potential appeal to the Coastal Commission. The County believes these accessory uses should be included in those uses that are customarily incidental to the principal permitted residential use as our current zoning ordinance provides. Similarly, we agree with your staff as to retaining residential second units as a non-principal permitted use appealable development consistent with our existing zoning ordinance.

Santa Barbara County requests that the modification be revised to include artist studios and guest houses as principal permitted accessory uses within the Agricultural, Resource Protection, and Residential zones.

Modification 21: Restrictions on minor improvements located near coastal bluffs and bluff staircases and access ways.

New language is proposed by your staff that arguably would (1) only allow bluff staircases and access ways if they provide public access to the beach, and (2) would provide that lawfully established staircases and access ways that provide beach access and are not available for use by the general public, may be repaired and maintained, including structural repairs, provided that cumulatively no more than 50 percent of the structural underpinnings (including foundations, pilings, and support beams but not including individual stairs and railings) are reconstructed or replaced over the life of the structure.

As there are existing legally permitted private staircases in the County which property owners seek to maintain without impacting bluffs, Santa Barbara County requests that the suggested modification be revised to state that lawful staircases and access ways existing as of the date that the Land Use and Development Code is certified are considered to be lawful, conforming structures, thus allowing for structural repairs or replacement to occur.

GROUP 2: The County Board of Supervisors has not yet reached consensus on how to resolve the following modifications.

Modification 9: Restrictions on school facilities allowed by Conditional Use Permit in agricultural zones.

This modification would appear to provide that only the expansion or reconstruction of existing lawful school facilities would be allowed by Conditional Use Permit on the same or adjacent lots owned by the school.

Santa Barbara County Board members have not reached consensus on this suggested modification. Some members request clarification of the word "adjacent", suggesting that it include lots separated by a road (other than a freeway), railroad, or public utility easement or right-of-way within the meaning of adjacent. Other Board members seek clarification of "ownership" to establish a point in time by which a school must acquire adjacent property in order to be allowed to expand onto it. Still others request that the Coastal Commission return to the original ordinance language which allowed new or expanded schools to be considered by Conditional Use Permit in agricultural zone districts.

Modifications 9 and 13: Requirement for Coastal Development Permits for voluntary mergers of existing, separate legal lots.

The suggested modification specifies that all voluntary mergers are required to be approved with a Coastal Development Permit, and, since they are not designated as a principal permitted use, are subject to a public hearing and potential appeal to the Coastal Commission.

Some members of the Santa Barbara County Board of Supervisors request reconsideration of Modification 11 (Exemptions) to include the possibility an exemption to the Coastal Development Permit requirement for mergers that the Director of the Planning and Development Department determines would not result in an increase in the development potential of the property, provided, however, that this determination is subject to local appeal and, if allowable, appeal to the Coastal Commission. Other Board members were agreeable with the suggested modification as written by your staff.

Modification 10: Restrictions on primary residences located in agricultural zones in order to qualify as a principal permitted use.

As proposed, in order for a primary residence on an agriculturally-zoned lot to qualify as a principal permitted use, (a) the occupancy of the dwelling is restricted to the operator of the primary agricultural use of the property, (b) the floor area of the primary dwelling does not exceed 5,000 square feet, and (c) the residence and all accessory structures and landscaping associated with the residence occupies a development area of no more than 10,000 square feet.

The size of the development area is a point of contention among the Board of Supervisors. The opinions of Board members range from limiting the size of the development area for residential development as a principal permitted use to 10,000 square feet regardless of size of the lot, to increasing the development area based on parcel size consistent with the Santa Barbara County Uniform Rules for Agricultural Preserve contracts.

Again, the Santa Barbara County Board of Supervisors wishes to thank the Coastal Commission staff for the tremendous amount of work required to bring this amendment to hearing. The County respectfully requests that the Coastal Commission provide input on suggested modifications 9, 10, 13, 21, and 34 to the County and your staff, and direct your staff to work with the County and the local community on the language of the suggested modifications.

Sincerely,

Janet Wolf

Janet Wolf, Chair
Santa Barbara County Board of Supervisors

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Th 17b&c

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AUG 09 2010
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

August 5, 2010

Via Facsimile and U.S. Mail

Chairwoman Bonnie Neely and Members
of the Coastal Commission
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Re: Santa Barbara County Local Coastal Program Amendment MAJ-1-09-A: Public Hearing August 12, 2010

Dear Chairwoman Neely and Members of the Commission:

I represent the Hope Ranch Park Homes Association ("the Association"), a residential development of 770 property owners along the coast in Santa Barbara County. On behalf of the Board of Directors and members of the Association, I would like to submit the following comments on the Coastal Commission staff's recommended changes to Santa Barbara County's Land Use and Development Code. Before describing the Association's specific concerns, however, I would note that few property owners in the coastal zone have any idea of the far-reaching impacts of these staff proposals, as all arose after the conclusion of the multi-year review process conducted by the County of Santa Barbara. The Association believes that it is imperative that none of these changes be adopted without adequate notice to the affected property owners and urges the Commission to postpone any action until appropriate due process has taken place.

Although the Hope Ranch Board finds many of the changes objectionable, those of particular concern are the following:

- Modification #21 regarding private stairways.

Many of the oceanfront properties in Hope Ranch have private stairways to the beach. These stairways are engineered, permitted, and built in a manner which preserves the bluff face. For many years, the County has permitted these private stairways, finding them consistent with county and coastal plan policies. The Coastal

Commission staff, however, on its own initiative, has now opined that these findings of consistency constitute a "misinterpretation" of the law and that only public stairways are permitted. We would suggest that the Commission staff's position is unwarranted, and that it is their opinion that constitutes the misinterpretation. Nothing in the existing language of the Coastal Act makes any distinction between public and private access, nor can it be concluded that properly engineered and sited private stairways are in any way more damaging to the bluff face than those serving the public. The staff argues at page 23 of the staff report to your Commission that "bluffs constitute unique coastal landforms that are inherently unstable due to steep slopes, groundwater seepage, and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes" and that therefore stairs must be limited to those serving the public. This statement assumes that all bluff geology is identical and that all private stairs are built in these unstable areas. However, the facts simply do not support a blanket prohibition, as all bluffs and all bluff stairways are not created equal. Consequently, we believe a claim of "misinterpretation" is nothing more than the Commission staff's attempt to change a longstanding, carefully developed practice without any basis in fact. The impact of such a change would have a significant adverse impact on owners of blufftop property, all without notification of the proposed change.

In addition to the proposed prohibition on new private stairways, the Commission staff is recommending that existing, permitted private stairways be classified as nonconforming and that reconstruction or replacement of these stairways be limited to less than 50% of the structure over the life of the stairway. Apart from the obvious difficulty in enforcement, this prohibition represents a taking of a valuable private property right, and a costly investment, without justification or notice. Furthermore, no regard was given to the fact that these stairways often provide the only available means of access to the beach for emergency responders, and that without adequate repair, emergency access to large portions of the coastline will be impaired. There is no legal justification for this change and we urge your Commission to reject the staff's proposal regarding bluff stairways in its entirety.

- Modification #21 regarding bluff development.

The second component of Modification #21 deals with blufftop development and imposes a 15 foot setback from the bluff edge for all development, with the exception of "visually permeable and visually compatible fences required for safety purposes" and public trails. Again, there is the assumption that all blufftops are identical and that "permeability" is uniformly required. If the goal is blufftop preservation, whether the fence is visually permeable or not is irrelevant. Further, to impose a mandatory 15 foot setback assumes that the geology along the bluff is consistent, that the retreat rates are the

same, and that all structures have the same effect on the bluff. Once again, there is nothing in the record to support this change, and the public has been given virtually no opportunity to respond. As with the previous proposal regarding stairways, this change negatively impacts property owners' rights without any demonstrable benefit to the coast and should not be considered.

- Modifications #9 and #11 regarding animal keeping.

With these modifications, the Commission staff has proposed a dramatic change to existing practice without any justification under the Coastal Act. Instead, staff has chosen to argue that there is nothing in the law to support exemptions for animal keeping by stating that confined animal facilities have the potential to adversely impact coastal resources if not designed and implemented properly. Apart from the fact that the same could be said about virtually any structure, the staff misses the point that there is nothing to support their conclusion that the historic practice of permitting the keeping of both large and small animals in accordance with the zoning requirements applicable throughout the County is in any way in conflict with the Coastal Act. Under the staff's proposal, the keeping of most large animals, and the ancillary facilities needed to do so, would no longer be exempt, but would require a coastal development permit. In Hope Ranch, this is a particular concern, as this is a residentially zoned equestrian community, where many of the properties are of a size which support (and are developed with) extensive equestrian facilities. Staff's proposal represents an additional administrative requirement without any resultant benefit to coastal resources and should be eliminated.

- Modification #10 regarding accessory residential structures.

The original proposal by staff attempted to narrowly define accessory uses in residential zones by limiting such uses to garages, pools, hot tubs, spas, storage sheds, and landscaping. In so doing, staff eliminated uses such as tennis courts without any justification or analysis of the impacts of those uses on coastal resources. If, indeed, protection of coastal resources was of primary concern, it could be argued that swimming pools have a much greater potential to adversely impact coastal bluff properties than do tennis courts and the like. Recognizing this inequity, the Commission staff broadened the accessory use category, but continued to exclude guest houses, artist studios, barns, stables, and corrals, stating that these uses would be appealable unless separately identified as a principal permitted use (which clearly would not be the case in residentially zoned property). This distinction appears to redefine traditional pyramid zoning by attempting to segregate certain ancillary uses despite the fact that these are permitted uses. By creating such a subcategory, the staff's recommendation is doing nothing more than imposing a permit and appeal process on certain permitted uses

without any basis in the law. We urge you to allow those uses traditionally identified as accessory to a residential use to continue to be exempt from these burdensome requirements.

In closing, the Board of Directors of the Hope Ranch Park Homes Association urges your Commission to return to the objectives originally presented by the County of Santa Barbara in submitting its application for reformatting and to eliminate the changes recommended by Coastal Commission staff, including those cited herein, which far exceed the scope of the original application and constitute an unwarranted taking of private property rights. Thank you for your consideration of our position.

Sincerely,

Kathleen M. Weinheimer
General Counsel
Hope Ranch Park Homes Association

environmental
DEFENSE CENTER

August 6, 2010

Bonnie Neely, Chair,
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Santa Barbara County and Montecito Land Use and Development Code Amendments; California Coastal Commission Suggested Modifications

Dear Honorable Chair Neely and Commissioners:

The following comments are submitted in support of the California Coastal Commission (CCC) Suggested Modifications to the Santa Barbara County and Montecito Land Use and Development Codes (LUDC) by the Environmental Defense Center (EDC), and the Santa Barbara Surfrider Foundation.

In April 2010, the CCC suggested modifications to Santa Barbara County's LUDC amendments to ensure LUDC compliance with the Coastal Act. Our groups support these suggested modifications and urge the Commission to require the LUDC amendments to comply with the Coastal Act for the following reasons:

- Updating the LCP will ensure that local land use decisions in the coastal zone are made in compliance with the Coastal Act. This will better protect our coast. Without the Coastal Act, places like Ellwood, Naples and Gaviota would likely be far more developed than they are today.

- The CCC's suggested modifications increase opportunities for public participation by creating more opportunities for public hearings and public (and applicant) appeals of important land use decisions.

- The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 LCP was one of three LCPs in the state in most need of update to comply with the Coastal Act. (See CCC May 4, 2001 memo.)

906 Garden Street Santa Barbara, CA 93101 Phone (805) 963-1622 FAX (805) 962-3152
www.edcnet.org

- If the CCC's suggested modifications are rejected, the County would be forced to go back to Article II (the County's old Coastal Zoning Ordinance). Recently approved amendments to the LUDC that would affect the coastal zone would have to be reprocessed pursuant to Article II and resubmitted to the CCC for certification, further delaying implementation. If this were the case, the County would lose updates to the Isla Vista Master Plan, Eastern Goleta Valley Residential Design Guidelines, Santa Barbara Ranch, process improvements regarding permit applications for sign plans, road naming, septic systems within Special Problems Areas, Solar Energy Systems, Special Care Facilities, and time extensions (for economic hardship). The County would also fall out of compliance with state housing mandate (RHNA) numbers.

- Typically local land use decisions are and will continue to be made at the local level. The Coastal Act provides guidance and a necessary check and balance system, and provides for sound coastal planning throughout the state. The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline.

Our groups would like to express support for the proposed CCC LUDC changes, as the CCC provides critical guidance in support of local jurisdictions' permitting authority, and serves as an important resource that protects our coastline. For example, after the County approved massive development at Ellwood Mesa during the 1990's, the CCC rejected these development approvals as improperly harming sensitive coastal resources that are protected under the Coastal Act. As a result, Santa Barbara County reconsidered the project and ultimately approved a plan that sites housing appropriately and created a permanent open space for our region. This solution would not have occurred but for the involvement and oversight of the CCC and adherence to the requirements of the Coastal Act.

County staff recommends acceptance of most of the changes requested by the CCC. The letter from Santa Barbara County, however, does identify certain aspects of the proposed LUDC update that are of concern to the County. EDC and Surfrider urged the County to accept the suggested modifications, in order to achieve prompt certification of the LCP (including the projects identified above) and to ensure compliance with the Coastal Act.

EDC testified at several Board of Supervisors (BOS) hearings on the LUDC and proposed CCC modifications. There are several points we would like to reiterate for the CCC's consideration, set forth below. In each case, the CCC suggested modification clarifies when coastal development permits (CDPs) are required for activities in the coastal zone. During the County hearings, there was substantial confusion regarding the difference between an *exemption* and a *prohibition* on an activity in the coastal zone. Many people, including some County officials, interpreted the recommended criteria as prohibiting a certain activity, rather than requiring a CDP. It is important to realize that the criteria recommended by CCC staff relate to *exemptions* from normal permitting requirements; the activity may still be allowed subject to permit review.

- **Lot Mergers (Modifications 9 and 13)**: We continue to agree with the CCC that lot mergers require coastal development permits (CDPs). As the CCC staff report describes, lot mergers are considered "development" under the official definition of the Coastal Act because they can change the intensity of land use. As the Naples project in Santa Barbara has shown, lot mergers *do* have the potential to change and increase the intensity of land use, and should require an appealable CDP. Therefore our groups support Modifications 9 and 13.

- **Ag Intensification – Grazing (Modification 9)**: The CCC staff proposes that grazing that occurs within existing grazing areas where the intensity of use is not significantly increased would be exempt from a CDP. In addition the CCC recommends that grazing in new or expanded areas would be exempt if the grazing:

  • Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cubic yards.
  • Is not located within 100 feet of the top of bank of any creek, stream or watercourse.
  • Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.
  • Does not result in the removal of native or non-native protected trees.
  • The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.

The County proposes to eliminate all criteria for new or expanded grazing areas, regardless of whether there is an intensification of operations. While there may be some room for further compromise[1], we agree with CCC staff that expanded and intensified grazing operations can significantly affect important coastal resources, and we therefore support these criteria, and in particular, the standard that requires protection of oak woodlands, riparian areas, and other sensitive ESHA. While these criteria for expansion or intensification may present additional permitting requirements for landowners, they would help to address potential impacts from expanded or intensified ag operations in sensitive areas.

- **Restrictions on primary residences in agricultural zones in order to qualify as a principal permitted use (Modification 10):** We support the recommendation that in order to qualify as a principally permitted use in agricultural zones, a primary residence must not exceed 3,000 square feet, and the development area for the primary dwelling and all accessory structures must not exceed 10,000 square feet.

[1] Potential compromises include exemptions for ongoing intensities of grazing on slopes over 30% (i.e. up to 40%), and for agricultural grading over 50 cubic yards (i.e. up to 100 cubic yards) if located away from streams, wetlands and buffers.

This limitation will help to maintain agricultural land values and reduce the potential for speculative investment in agricultural properties. The County seeks to increase the size of the primary dwelling to 5,000 square feet and the development area to up to 2 acres. We are concerned that these increases, especially the 2-acre development area, would have a significant potential to incentivize large, non-ag related developments for residential uses that may conflict with agricultural operations and permanently convert prime agricultural land in the coastal zone.

- **Clarification of the principally permitted use in each zone district (Modification 9)**: this suggested modification is necessary to comply with the Coastal Act (PRC section 30603(a)(4)).

Concerns were initially raised that this modification would dis-incentivize habitat restoration by triggering more costly appealable County CDPs. While this has been shown not to be the case, we believe the County should actively support efforts to facilitate voluntary habitat restoration projects by waiving fees for permit processing and giving priority to the processing of restoration project permits.

In conclusion, EDC and Surfrider thank Coastal Commission staff for working actively with the County staff to refine the language contained in the proposed revisions, and believe that the ongoing exchange of ideas with County staff has been a productive process. Further, the proposed modifications will help to bring the County's LCP up to date with the requirements of the Coastal Act, avoid undue delays in the implementation of several important projects in the County, and help foster sound planning practices in the County.

Our groups appreciate the opportunity to provide comments on the proposed LUDC amendments, and look forward to the Commission's deliberations on this important issue.

Sincerely,

Linda Krop,
Chief Counsel

Brian Trautwein
Environmental Analyst

cc: Santa Barbara County Board of Supervisors
Dianne Black, Santa Barbara County
Glen Russell, Santa Barbara County
Steve Hudson, Coastal Commission
Shana Gray, Coastal Commission
Sandy Lejeune, Chapter Chair, Santa Barbara Surfrider Foundation

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

August 9, 2010

California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

By Email

RE: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code); Agenda Item # 17 b & c, Thursday August 12, 2010

Dear Chair Neely and Honorable Members of the Commission,

This letter is submitted on behalf of the Naples Coalition and the Gaviota Coast Conservancy, both non-profit organizations dedicated to the long-term protection of Santa Barbara County's coastal resources, and in particular the Gaviota Coast and, for the Naples Coalition, the property known as "Naples" located thereon. Both organizations have been involved with the County of Santa Barbara's hearing process on the proposed amendments to the County's Land Use and Development Code ("LUDC"), and have discussed the issues with Coastal Commission Staff.

The Naples Coalition and Gaviota Coast Conservancy support Commission Staff's position on the bulk of the recommended modifications, and appreciate Staff's efforts to comprehensively enhance the County's ordinance protecting coastal resources. **On the "known areas of controversy" between the County and Coastal Commission Staff, we generally support Commission Staff's position**. There are some **specific issue areas however in which we feel the County has legitimate concerns that merit serious consideration by the Commission, and other specific areas where we feel both County and Commission Staff have unnecessarily weakened coastal resource protections**. This letter addresses these specific areas.

Many of our concerns focus on the provisions affecting agriculturally zoned lands. Viable coastal agricultural operations are critical in assuring the long-term protection of the Gaviota Coast in its predominantly undeveloped state. Santa Barbara's existing certified LCP (Policies 8-2 and 8-3) as well as Sections 30241 and 30242 of the Coastal Act (incorporated in full into the LCP) protect against the conversion of agricultural lands to non-agricultural use. However notwithstanding these extant policies, Santa Barbara's agricultural lands are under constant pressure from luxury residential uses which often include a nominal amount of agricultural activities but convert the land from a primarily agricultural use to a primarily residential one. Accordingly, we feel that **proposed modifications concerning residential uses on agriculturally zoned lands require strengthening in order to ensure true agricultural use of the land**. Additionally, certain proposed modifications that impose additional burdens on agricultural uses require **more flexibility to avoid adversely affecting agricultural viability, particularly the viability of small sustainable agricultural operations**.

LAW OFFICE OF MARC CHYTILO
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Fax: (805) 682-2379
Email(s): airlaw5@cox.net (Marc); anacitrin@cox.net (Ana)

1. Residences on Agricultural-Zoned Lots: Suggested Modification #10

Coastal Commission Staff originally recommended limiting the size of primary dwellings that are considered principal permitted uses in agricultural zones to dwellings that are no more than 3,000 square feet in gross floor area within a 10,000 square foot building envelope. We believe this limitation is prudent and will help safeguard against the conversion of agricultural uses to predominantly residential use. During discussions between Coastal Commission and County Staff however, a proposal to increase the size of the dwelling to 5,000 square feet has come forward, and Commission Staff has since endorsed that increase. We would urge the Commission to **adopt the originally proposed 3,000 square foot and 10,000 square foot building envelope limitations as appropriate and necessary to safeguard the viability of coastal agriculture** in the County against the pressures of luxury residential development. Because this proposal would allow landowners to pursue larger homes with an appealable permit, we feel the limitations place no unreasonable burdens on agricultural landowners.

2. Agricultural Expansion and Intensity of Use: Suggested Modification #11

Coastal Commission Staff recommends including a provision that would require a CDP for expanded areas of agricultural activities that are part of existing, on-going lawfully established agricultural operations. The original proposal would have required a CDP for any cultivated agriculture, orchard, or vineyard outside the *existing footprint* of cultivated agriculture, orchard or vineyard, and any grazing outside the existing footprint, or increase in "intensity of use" of grazing lands would require a CDP. Since then, County and Commission Staff have reached some agreement on narrowing this CDP requirement by exempting agricultural expansion that meets specific performance standards such as those currently contained in the agricultural grading exemption in the existing certified LUDC. We urge the Commission to **adopt suggested modification #11 which we feel strikes an appropriate balance between protecting coastal resources and avoiding the burden of seeking a CDP that would stifle agriculture**, and in particular disproportionally[1] affect small, sustainable, ecologically sensitive agricultural operations that should be encouraged on the Gaviota Coast and elsewhere in the County.

3. Restrict Accessory Uses on Agricultural Lands: Suggested Modification # 10

Allowing a broad range on non-agricultural residential and quasi-residential structures such as artist studios and guest houses on agricultural lands as principal permitted uses (exempt from appealable CDP) creates potential for speculative residential development on agricultural lands. Agricultural lands should be principally used for agricultural purposes to prevent escalation in values that jeopardizes agricultural viability.

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[1] The cost of permitting can be more easily absorbed by larger operations, and smaller operations often are unable to finance the expenses and weather the uncertainties of the permitting process.

Coastal Commission Staff has recommended these uses remain subject to appealable CDP and we agree. The County has requested these be exempt. We support Coastal Commission Staff's recommendation that **guest houses and artist studios are not principal permitted uses on agricultural lands**.

4. Appealable CDPs for Voluntary Lot Mergers: Suggested Modifications #9, #13 and #14

Requiring appealable CDPs for voluntary mergers is authorized under section 30106 of the Coastal Act and the County's existing certified LCP (defining "development") and necessary to ensure that changes in lot density do not adversely impact coastal resources. Voluntary merger, along with subdivision, lot line adjustments, are frequently employed in order to effectuate coastal development, as evidenced by the current and pending projects on the Gaviota Coast. In the context of the Santa Barbara Ranch Project proposed at Naples, the merger of multiple substandard, non-conforming and unbuildable lots enabled the developer to fashion a potentially viable development project for the property that included large homes with large building envelopes. Merger of these substandard lots also enabled the transfer of development potential to valuable agricultural lands and lands with high biological value.

County Staff proposes narrowing the CDP requirement to only those mergers that increase development potential. While we understand the motivation behind County Staff's suggestion, our concern is that determining which merger applications potentially increase development potential and which do not will be a cumbersome process for the County yielding potentially arbitrary results. There are many existing legal conforming lots in Santa Barbara County for which the developability and development potential is unknown until a specific development is proposed and a complete policy consistency analysis prepared and considered by decisionmakers.

It is imperative that **each Subdivision, lot line adjustment and merger action, which may open the door to new or increased development and shape the future landscape of our coast, be reviewed for consistency with the LCP and Coastal Act by the County during CDP application review, and if necessary by the Commission on appeal.** We urge the Commission to reject the County's proposal to interject additional language into this amendment and follow Commission Staff's recommendation on suggested modifications #9, #13, and #14.

5. Restricting Stairways on Coastal Bluffs to those that Provide Public Access: Suggested Modification #21

The County has interpreted its LCP as allowing the construction of private stairways on bluff slopes to provide individual homeowners access to the beach from bluff-top properties. However, as Commission Staff has explained, modification clarifying that only stairways that provide public beach access may be constructed on the bluff face is necessary to ensure that new development on bluff slopes (staircases) will be minimized and only allowable when public access is also provided. Much of Santa Barbara County's coastline has tall bluffs and limited public access, with only private

staircases. This has created de facto private beaches and forced the public to use creek beds and other less desirable methods of access to remote beaches.

The County has expressed concern that the modification would make all the existing, permitted private staircases nonconforming, thus precluding them from being structurally repaired should the need arise. Accordingly, Commission Staff has proposed allowing maintenance or repair of these structures if less than fifty percent of the structure is replaced, but has declined to entertain any 'grandfathering' of these structures.

We feel Commission Staff's recommendation strikes an appropriate balance of protecting coastal resources while also allowing for the continued repair of bluff-top public access stairways. Additionally, Commission Staff's recommendation encourages private landowners to allow public access across their property down to the beach, a much needed incentive in areas with steep bluff-faces and contiguous private development where the public is effectively precluded from accessing the *public* beach because vertical access points are exclusively private. This modification is particularly relevant to Naples because of the steep bluff-face along much of the Naples property and the ongoing efforts to develop individual homes outside the scope of the approved project both on the Santa Barbara Ranch, Dos Pueblos Ranch, and Makar properties. The modification is necessary to ensure that private development at Naples does not jeopardize coastal resources for private beach access. Accordingly, we urge the Commission to **adopt Commission Staff's recommendation on Modification #21 in order to safeguard sensitive bluff environments and simultaneously effectuate the public access provisions of the Coastal Act** by incentivizing the expansion of public beach access points throughout the County.

6. Sea Level Rise: Suggested Modification #34

Commission Staff originally proposed applying specified numerical standards for evaluating sea level rise scenarios for all near-shore projects. The County proposed interjecting flexibility into this provision by allowing the use of different values when supported by the best scientific information available at the time of project review. The Santa Barbara Ranch (Naples) project was conditionally approved by the County in 2008 using the 'best available scientific evidence' to calculate bluff retreat rates. The County relied exclusively on historical bluff retreat data compiled up to the 1980s - ignoring the effect of sea level rise on bluff retreat. Since that approval, a considerable portion of some Naples lots have cleaved from the bluff and are eroding into the ocean. Our concern is that the County's approach would allow a prospective developer to pick and choose the method that best accommodates the proposed development, not the method that is most protective of coastal resources. Accordingly, we urge the Commission to **adopt Staff's original recommendation that incorporates specific numerical standards with respect to suggested modification #34.**

7. Conclusion

We respectfully urge the Commission to consider the above points and to take all possible action to ensure that the adopted LUDC changes maximize coastal protections but do not erect barriers to small scale sustainable farming operations that are so critical to the continued vitality of coastal agriculture in Santa Barbara County.

Sincerely,

LAW OFFICE OF MARC CHYTILO

Marc Chytilo
For the Gaviota Coast Conservancy and Naples Coalition

Carpinteria Valley Association
Protecting the Beauty of our Valley since 1964
P.O. Box 27, Carpinteria, CA 93014

Aug. 10, 2010

California Coastal Commission
c/o Brian Trautwein
Environmental Defense Center
906 Garden St.
Santa Barbara, CA 93101

Dear Coastal Commissioners,

Regarding your staff's recommended modifications to Santa Barbara County's Land Use Development Code (LUDC), the Carpinteria Valley Association urges strict adherence to the Coastal Act. An issue of especial importance is the conversion of agricultural land. Not only is agriculture valuable *per se*, but it preserves open space, which affects the whole *milieu* of the coastal zone. Conversion of agricultural land is controlled by Sections 3024, 30241.4, and 30242. These sections allow conversion only when agricultural use has become impossible or unpractical. There is no provision for conversion because the new use is socially desirable.

Santa Barbara County proposes to allow conversion of agricultural land for school use, provided the land is adjacent to a school. This is not proposed because of its wisdom, but to assist a single private school. Establishing a general rule to permit one unnamed project is bad government. Conversion of agricultural land for a school use is not provided for in the Coastal Act, and violates Sec. 30242. Schools are hypersensitive to agricultural operations involving noise, dust, and chemicals. Therefore, converting agricultural land to school use adversely affects adjoining agricultural land.

Agriculture is California's great strength. We urge you to do everything in your power to protect it.

Sincerely,
Board of Directors
Carpinteria Valley Association

Carpinteria Valley Association
Protecting the Beauty of our Valley since 1964
P.O. Box 27, Carpinteria, CA 93014

Aug. 10, 2010

California Coastal Commission
c/o Brian Trautwein
Environmental Defense Center
906 Garden St. 93101

Dear Coastal Commissioners,

The Carpinteria Valley Association supports your staff's recommended modifications to Santa Barbara County's Land Use Development Code (LUDC). The Coastal Act was approved by voters back in 1972, and since that time the need to protect our coast has become more and more urgent. Since the proposed modifications will protect habitat, farmland and water quality, as well as increasing public participation in land-use decisions, we urge you to insist that these modifications to Santa Barbara County's LUDC be adopted before certifying the LUDC.

Thanks for your dedication to protecting California's coastal areas.

Sincerely,
Vera Bensen, President
CVA

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:47 PM
To: Shana Gray
Subject: FW: Coastal Act

Hi Shana,
It look like this person sent 2 different versions...
-Brian

Brian Trautwein,
Environmental Analyst
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101
btraut@edcnet.org
(805) 963-1622 X 108
(805) 962-3152 fax

From: pete lafollette [mailto:plafollette@hotmail.com]
Sent: Sunday, August 08, 2010 5:58 PM
To: btraut@edcnet.org
Subject: Coastal Act

I support the Coastal Commission's suggested modifications to Santa Barbara County's Land Use Development Code.

The Coastal Act provides a necessary check and balance system and oversight on local government decisions.

Updating the County Code will ensure that coastal land use decisions comply with the Coastal Act and protect places like Naples and Gaviota.

The Commission's suggested modifications maintain opportunities for public hearings and participation in important land use decisions.

The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 Coastal Plan was seriously outdated.

The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline. The Commission should uphold the Act by standing firm on the suggested moratorium on urban sprawl along the designated coastal protection area.

Pete LaFOllette,Ventura

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:46 PM
To: Shana Gray
Subject: FW: Calif. Coastal Comm. - Santa Barbara Co Land Use Development Code & CCC suggested modifications

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From: Susan Lentz [mailto:salentz@cox.net]
Sent: Monday, August 09, 2010 10:59 AM
To: btraut@edcnet.org
Subject: Calif. Coastal Comm.

Brian,

Can you add my name to a general petition/letter supporting the Coastal Commission's suggested modifications?

Thanks,

Susan Lentz
7927 Robbie Cir.
Goleta, CA 93117
salentz@cox.net

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:48 PM
To: Shana Gray
Subject: FW: Coastal Comission & SB Co Land Use Development Code

From: tyanbroro@gmail.com [mailto:tyanbroro@gmail.com] **On Behalf Of** Bryan Toro
Sent: Sunday, August 08, 2010 9:38 AM
To: btraut@edcnet.org
Subject: Coastal Comission

Dear California Coastal Comission,

I support the Coastal Commission's suggested modifications to Santa Barbara County's Land Use Development Code.
The Coastal Act provides a necessary check and balance system and oversight on local government decisions.
Updating the County Code will ensure that coastal land use decisions comply with the Coastal Act and protect places like Naples and Gaviota.
The Commission's suggested modifications maintain opportunities for public hearings and participation in important land use decisions.
The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 Coastal Plan was seriously outdated.
The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline. The Commission should uphold the Act by standing firm on the suggested modifications.

Please continue to help protect our precious natural resources.

Sincerely,
Bryan Toro

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:48 PM
To: Shana Gray
Subject: FW: Coastal Commission hearing on SB County's Land Use Development Code

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From: Marc Brody [mailto:brody010@gmail.com]
Sent: Friday, August 06, 2010 5:49 PM
To: btraut@edcnet.org
Subject: Coastal Commission hearing on County's Land Use Development Code

To: California Coastal Commission:

As a concerned resident of California residing in the city and county Santa Barbara, I would like to inform you of the following:

- I support the Coastal Commission's suggested modifications to Santa Barbara County's Land Use Development Code.
- The Coastal Act provides a necessary check and balance system and oversight on local government decisions.
- Updating the County Code will ensure that coastal land use decisions comply with the Coastal Ac and protect places like Naples and Gaviota.
- The Commission's suggested modifications maintain opportunities for public hearings and participation in important land use decisions.
- The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 Coastal Plan was seriously outdated.
- The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline. The Commission should uphold the Act by standing firm on the suggested modifications.

Thank you,
Marc Brody
Santa Barbara, California

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:49 PM
To: Shana Gray
Subject: FW: SB Co land use development code

From: Nora Muller [mailto:noramanonmuller@yahoo.fr]
Sent: Friday, August 06, 2010 4:49 PM
To: btraut@edcnet.org
Subject: SBC land use development code

Dear Coastal Commission Staff,

- I support the Coastal Commission's suggested modifications to Santa Barbara County's Land Use Development Code.
- The Coastal Act provides a necessary check and balance system and oversight on local government decisions.
- Updating the County Code will ensure that coastal land use decisions comply with the Coastal Ac and protect places like Naples and Gaviota.
- The Commission's suggested modifications maintain opportunities for public hearings and participation in important land use decisions.
- The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 Coastal Plan was seriously outdated.
- The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline. The Commission should uphold the Act by standing firm on the suggested modifications

Sincerely,

Nora Manon Müller

Shana Gray

From: Brian Trautwein [btraut@edcnet.org]
Sent: Monday, August 09, 2010 3:50 PM
To: Shana Gray
Subject: FW: Protect Gaviota! - SB Co. Land Use Development Code CCC Suggested Modifications

---

From: Benjamin Botkin [mailto:benbotkin@gmail.com]
Sent: Friday, August 06, 2010 4:30 PM
To: btraut@edcnet.org
Subject: Protect Gaviota!

Dear members of the Coastal Commission,

- I support the Coastal Commission's suggested modifications to Santa Barbara County's Land Use Development Code.
- The Coastal Act provides a necessary check and balance system and oversight on local government decisions.
- Updating the County Code will ensure that coastal land use decisions comply with the Coastal Ac and protect places like Naples and Gaviota.
- The Commission's suggested modifications maintain opportunities for public hearings and participation in important land use decisions.
- The CCC suggested modifications have been long-anticipated. The County was notified by the CCC more than a decade ago that Santa Barbara County's 1982 Coastal Plan was seriously outdated.
- The Coastal Act was overwhelmingly approved by voters to protect the public's right to a clean and healthy coastline. The Commission should uphold the Act by standing firm on the suggested modifications.

Thank you for your consideration.

-Ben Botkin

Santa Barbara Audubon Society, Inc.
A Chapter of the National Audubon Society

5679 Hollister Avenue, Suite 5B, Goleta, CA 93117 (805) 964-1468

RECEIVED
AUG 11 2010
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

August 6, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code); Agenda Item # 17 b & c, Thursday August 12, 2010

Dear Chair Neely and Honorable Members of the Commission:

Santa Barbara Audubon Society (Audubon) is a local non-profit organization involved in habitat conservation and restoration in the Santa Barbara area. While there are aspects of the modifications to the Local Coastal Plan (LCP) proposed by the Coastal Commission staff that we support, other sections we find disturbing.

Audubon would like to see a process for small beneficial restoration projects that is not cost- and time-prohibitive and not a disincentive to implement such projects for landowners and non-profit organizations. Perhaps projects that qualify for the CEQA-exemption under section 15333 would also be eligible for a simple CDP.

At the Santa Barbara County's " GavPAC" meeting on June 21st, the Santa Barbara county planning staff presented data on the average current P&D costs/time for a Coastal Development permits (CDP)...

CDP is $776 and 67 days

CDPH (with hearing) is $5000 and 166 days. CEQA review required, so probably additional consultant expenses.

We would like to propose a solution, as we recognize that the CCC staff is concerned that applicants may be trying to use CDPs for restoration as a guise for other projects that are not protective of the coastal environment.

The California Environmental Quality Act was revised in 2004; one revision Section 15333 provides for an exemption from CEQA for beneficial restoration projects that meet the following criteria:

15333 – Exemption for Restoration Projects. A new categorical exemption has been created for small habitat restoration projects on 5 acres or less of land. The exemption is limited by the restrictions of Guidelines Section 15300.2. Examples of small restoration projects include: revegetation with native plants; wetland restoration to improve waterfowl conditions; stream or bank restoration to benefit native fish or amphibian habitat; habitat restoration or enhancement projects being undertaken with hand, rather than mechanized, labor; stream or bank stabilization with native vegetation for the purpose of eliminating erosion and sedimentation; and culvert replacement conducted in accordance with DFG or NOAA Fisheries guidelines for the purpose of improving habitat and reducing sedimentation.

A project meeting these criteria could be eligible for a simple CDP, as determined by P&D staff. This would provide that the project, as determined by Planning & Development staff, to be a beneficial project and have no permanent negative environmental impacts.

Audubon is concerned that ag permits would largely be bumped to CDPH as well, and may again be disincentives rather than promoting agriculture. However, our chapter has no expertise in this arena, and would defer to others for recommendations of appropriate modifications.

Santa Barbara Audubon appreciates the care that the Coastal Commission staff has taken in proposing modifications to the LCP, so that the revised LCP will be protective of natural resources. However, there are circumstances, such as for small restoration projects where we must be careful to not provide *disincentives* to landowners for habitat restoration and preservation of agriculture in Santa Barbara County.

Sincerely,

Darlene Chirman

Darlene Chirman, President
Santa Barbara Audubon Society

1-09-A and B

RECEIVED
AUG 11 2010
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date: august 11, 2010
California
TO: Coastal Commission

From: John & Sandy Wallace

Re: SB county local Coastal Program amendments 1-09-A an -B

you are hereby notified in writing that we never received a notice of this meeting to rezone the property behind CVR. We live at 115 Olive mill Rd, Montecito, our property adjoins & touches this re-zone you are considering.

nothing should be done to change the character of the neighborhood, which is mostly single story residential and commercial.

none of our neighbors have been notified either. We do know that noticing is a legal requirement and we were not given notice at all. Please, we advise you to postpone this meeting on this rezone until all appropriate parties have been properly noticed.

→

Our mailing address is:
John and Sandy Wallace
PO Box 50536
Santa Barbara, CA 93150
(as of this morning - there is no notice there.)

Our old mailing address is.
PO Box 14454
San Luis Obispo, CA 93406
(as of yesterday at 5:00pm - there is no notice there either)

Please provide me what new date in writing this rezone will be heard, as I am assuming it will get postponed due to improper and lack of noticing the immediate neighbors.

Thank you,
Sandy Wallace
email - swallace.montecito@yahoo.com

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

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

Th 17b&c

DATE: July 28, 2010

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Shana Gray, Planning and Regulation Supervisor

SUBJECT: Santa Barbara County Local Coastal Program (LCP) Amendment No. MAJ-1-09-A (Countywide Land Use and Development Code) and LCP Amendment MAJ-1-09-B (Montecito Land Use and Development Code and Montecito Commercial Zone Change) for Public Hearing and Commission Action at the August 12, 2010, Commission Meeting in San Luis Obispo.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) for Parts A and B of the LCP Amendment 1-09. LCP Amendment 1-09-A would replace the existing Coastal Zoning Ordinance with the new Santa Barbara County Land Use and Development Code (CLUDC), with the exception of the Montecito Community Plan Area. LCP Amendment 1-09-B would: (1) replace the existing Coastal Zoning Ordinance with a separate, stand-alone Land Use and Development Code for the Montecito Community Plan area and (2) amend the CZO/IP portion of its certified LCP to eliminate the Retail Commercial Zone, establish Neighborhood Commercial as new zone district in the Coastal Zone, and rezone the only two parcels (Assessor Parcel Numbers 009-230-025 and -026) located in Montecito that are currently zoned Retail Commercial to Neighborhood Commercial. The County submitted its complete application on November 19, 2009. At its January 14, 2010 Commission meeting, the Commission extended the time limit to act on Local Coastal Program Amendment 1-09 for a period of one year. Consistent with that time extension, the Commission must act upon the amendment before January 18, 2011.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, reject the proposed Santa Barbara County LCP Amendments 1-09-A and 1-09-B and then **approve only if modified** as shown in the suggested modifications. The suggested modifications are necessary to ensure that the County's Zoning Ordinance / Implementation Plan is consistent with and adequate to carry out the certified LUP. The motions begin on **Page 27** of this report.

The Executive Summary begins on **Page 5** of this report.

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Exhibit 5. LCPA 1-09-B Suggested Modification 3, Montecito Allowed Land Use and Permit Requirement Tables
Exhibit 6. Montecito Community Plan Area

ATTACHMENTS

Attachment A. County Land Use and Development Code
Attachment B. Montecito Land Use and Development Code
Attachment C. Certified Zoning Code, Article II of the Santa Barbara County Code

KEY ACRONYMS AND TERMS

Code	County of Santa Barbara Zoning Code
CLUDC	County Land Use and Development Code
ESHA	Environmentally Sensitive Habitat Area
LUDC	Land Use and Development Code, including both County and Montecito
LCP	Local Coastal Program
LCPA	Local Coastal Program Amendment
LUP	Coastal Land Use Plan
MLUDC	Montecito Land Use and Development Code

Additional Information: Please contact Shana Gray, California Coastal Commission, South Central Coast Area, 89 S. California St., Second Floor, Ventura, CA. (805) 585-1800.

EXECUTIVE SUMMARY

LCP Amendment 1-09-A represents the replacement of the existing Implementation Plan component of the certified LCP, the Zoning Code (Article II), with a revised and reformatted version of the Zoning Code (County Land Use and Development Code (CLUDC) for all certified areas of Santa Barbara except for the Montecito Planning Area. The new Development Code was a significant undertaking on behalf of the County that resulted in a completely different form of document. The intent was to provide a more comprehensive and user-friendly format. This included updating the Allowed Uses for each zone and correcting inconsistencies within the certified zoning code. In addition to these reformatting changes and corrections, the proposed amendment also includes many substantive changes (see bullet list below in the subsection entitled 'The LUDC Represents an Overhaul of the Coastal Zoning Ordinance / Implementation Program')

In order to resolve any conflicts in interpretation where feasible, the Commission and County staffs have worked together to develop the Suggested Modifications for LCPA 1-09-A as shown in this report. Given the length and complexity of the Suggested Modifications, the following table provides a summary of the purpose of each suggested modification.

Suggested Modification #1, Inland Area
The CLUDC document is a combined Inland and Coastal Zone document, rather than solely addressing the Coastal Zone. As a result, modifications are necessary to ensure clarity as to which provisions apply only in the Coastal Zone, which provisions apply only in the Inland Area, and which provisions apply to both areas. Suggested Modification #1 makes these Inland and Coastal Zone clarifications.
Suggested Modification #2, References
This Modification removes references to documents where it may be interpreted to incorporate uncertified outside documents as part of the certified LCP. If such references were allowed to remain, and the referenced documents were amended, the changes could indirectly change guidelines or provisions of the LCP without further notice to the Commission since they are not certified as part of the LCP. In some cases, removing the reference occurs in conjunction with incorporating the applicable standards directly.

Suggested Modification #3, Appeals (LCPA 2-06)
The purpose of this Modification is to incorporate the previously certified language of LCP Amendment 2-06 (Noticing and Appeals) with regard to permit processing and appeals. LCPA 2-06 was effectively certified on March 5, 2008. The certified language of LCPA 2-06 established updated procedures for processing Coastal Development Permits, Development Plans, and Conditional Use Permits, including changes or amendments to planning permits, zoning clearances, processes for issuance, and appeals, to ensure that those procedures comply with the Coastal Act and Commission's regulations. A primary goal was to abolish the process of issuing follow-up CDPs that were processed without a hearing and after the other discretionary permits. However, given the overlap in the timeline of the certification of amendment 2-06 in relation to the development of the CLUDC, the certified text (including LCPA 2-06 Suggested Modifications) was not incorporated into the CLUDC by the County. Therefore Suggested Modification #3 re-inserts the Commission's previously approved language regarding processing and appeals.
Suggested Modification #4, Clarification for Removing Follow-Up CDPs In Support of LCPA 2-06
As discussed in the summary for Suggested Modification #3 above, LCPA 2-06 was effectively certified on March 5, 2008. The certified language of LCPA 2-06 established updated procedures for processing Coastal Development Permits. A primary goal of LCPA 2-06 was to delete the duplicative requirement for multiple discretionary, appealable actions for the same project, including the issuance of "follow-up CDPs" which were processed by the County without a public hearing only after other discretionary permits had already been approved. However, since the certification of LCPA 2-06 it has become apparent that additional clarifications are warranted in other locations of the LCP to ensure consistent implementation. Specifically, clarifications are necessary to ensure that Coastal Development Permits are processed concurrently with Development Plans, Minor Conditional Use Permits, and Major Conditional Use Permits where CDPs are required in the Coastal Zone. This Modification also includes clarification that a Zoning Clearance in the Coastal Zone represents the clearance of prior-to-issuance conditions, thereby signaling that the Coastal Development Permit may be *issued*. This supports the action to remove the previous procedure for follow-up CDPs.
Suggested Modification #5, Noticing (LCPA 2-06 and Clarifications)
A second theme that was addressed within LCP Amendment 2-06 included updating the Noticing requirements for development projects, including notice content, procedures, timelines and responsible parties. LCPA 2-06 was effectively certified on March 5, 2008. However, apparently due to the overlap in the timeline of the certification of the amendment in relation to the completion of the CLUDC, the certified text (including LCPA 2-06 Suggested Modifications) was not incorporated by the County into the proposed CLUDC. Therefore Suggested Modification #5 re-inserts the Commission's previously approved language regarding noticing. Suggested Modification #5 also includes several minor clarifications in support of the Noticing updates approved in LCPA 2-06, including the responsibilities of the applicant and the County, contents for Notices of Final Action to the Commission, the size of posted signs, and a consolidation of overlapping requirements into one section. These clarifications serve to enhance implementation of the Noticing updates approved in LCPA 2-06.
Suggested Modification #6, Design Review (LCPA 1-05-A)
The purpose of this Modification is to incorporate the previously certified language of LCP Amendment 1-05-A (Board of Architectural Review). LCPA 1-05-A was effectively certified on June 11, 2008 and served as the mechanism to revise the existing design review procedures and recognize multiple regional Boards of Architectural Review (BARs) in the Coastal Zone. However, apparently due to the overlap in the timeline of the certification of LCPA 1-05-A in relation to the completion of the CLUDC, the certified text (including LCPA 1-05-A Suggested Modifications) was not incorporated by the County into the proposed CLUDC. Therefore Suggested Modification #6 re-inserts the Commission's previously approved language regarding Design Review and the Regional BARs. This Modification is necessary to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP.

Suggested Modification #7, Application Contents
The specific information requirements necessary to satisfy the filing requirements for new applications for each of the various planning permits (e.g. Coastal Development Permits, Conditional Use Permits, Development Plans) that were previously required pursuant to the certified Zoning Code have not been incorporated into the proposed CLUDC or MLUDC as proposed by the County. The required elements of an application are now specified within the application forms for each of the different planning permits. The County indicates that it is necessary to leave the contents flexible to ensure that the Planning Department has the ability to specify requirements as necessary. However, to ensure that new applications for coastal development permits, and other discretionary approvals, include the necessary information to adequately review and analyze whether new development proposals are consistent with the coastal resource protection policies of the certified LCP, Modification #7 is necessary. Modification # 7 provides an overarching statement of the minimum information requirements that will have to be satisfied in an application for the County (or the Commission on appeal) to allow for an informed decision regarding consistency with the LCP.
Suggested Modification #8, Applicability, Interpretation and Conflicts
The CLUDC and MLUDC, as proposed, would significantly modify the interpretive policies and provisions of the LCP, in part due to incorporation of the Inland Area. Whether intended or inadvertent, several proposed changes in the applicability, interpretation, and means of resolving conflicts within the Coastal Zone are not consistent with the requirements of the Coastal Act or LUP and are not protective of coastal resources. Modification #8 applies existing certified language regarding the purpose, authority, and existing ordinances of the certified LCP. In addition, Modification #8 specifies the hierarchy of conflict resolution in the Coastal Zone as follows: (1) the provisions of the LCP shall take precedence over any other non-certified provisions, guidelines, or plans where conflicts occur with non-certified document and (2) the standards that are most protective of coastal resources shall take precedence where conflicts occur within the LCP (unless otherwise specified). Modification #8 also updates the language that describes what development must comply with the provisions of the CLUDC, by adding clarifications and deleting an existing inconsistency within the LCP which indicated that certain repair and maintenance activities are not subject to the CLUDC. Finally, Modification #8 addresses two other important implementation issues: (1) it clarifies that in the Coastal Zone, where provisions of State law are amended, such changes require an LCP amendment to be effective within the Coastal Zone and (2) provides a full list of updated zoning maps and overlays.
Suggested Modification #9, Allowed Land Uses and Permit Requirements Table
This Modification is a cornerstone to implementing the appeals of coastal development permits pursuant to Section 30603(a)(4) of the Coastal Act. Section 30603(a)(4) provides that County approval of any development that is not designated as the principal permitted use under the zoning ordinance or zoning district map is appealable to the Coastal Commission. In the existing certified LCP, the zones do not identify any Principal Permitted Uses. For each zone there is a list of "Permitted Uses" and a list of uses allowed with a Minor Conditional Use Permit and Major Conditional Use Permit. These lists of uses were translated into a table format in the proposed CLUDC. As a result there is a series of tables for "Allowed Land Uses and Permit Requirements" which identify the types of land uses that may be allowed in each zone district and the corresponding permit requirements. The proposed Allowed Land Uses and Permit Requirements tables represent a reclassification and reorganization of the lists of land uses identified in each zone district (see Section VI.B.1 under *Zone District Changes* for details). Modification #9 establishes a procedural system for Principal Permitted Uses and updates the land use tables to identify Principal Permitted Uses for each zone (Exhibit 4). Modification #9 also provides clarifications regarding when Coastal Development Permits are required and when they are appealable to the Commission and further clarifies that, in the Coastal Zone, development is only exempt if it meets the requirements for exemption listed in the exemption section of the LCP (which is updated pursuant to Suggested Modification #11 to comply with the Commission's regulations for exemption). In addition, through Suggested Modification #9, global changes were made to the land use tables to support other modifications to ensure that CDPs are processed concurrently with other discretionary approvals. Other

changes were made to the Allowed Land Use and Permit Requirement tables, primarily the ones addressing zones designated for high priority uses under the Coastal Act, such as Agricultural Zones to preserve long-term agriculture, Resource Protection Zones to protect environmentally sensitive habitat areas and watersheds, and Commercial Zones to protect and promote visitor-serving uses, and Industrial Zones to reserve Coastal Related and Coastal Dependent sites for the only uses that support or require a site on or adjacent to the sea to be able to function at all. The main objectives with regard to changes within the tables were: (1) to eliminate incompatible uses, (2) to clarify that agriculture and grazing are not always exempt but may be a Principal Permitted Use in agricultural zones and therefore not appealable to the Coastal Commission; (3) allow limited services and utilities to be treated as part of the Principal Permitted Use when incidental, appropriate, and subordinate to the true Principal Permitted Use, and (4) identify Principal Permitted Uses for each zone.
Suggested Modification #10, Accessory Structures and Uses
Modification #10 is a necessary component of the procedural system to establish Principal Permitted Uses within the LCP. Modification #10 specifies the types of development that may be considered accessory to a Principal Permitted Use for each zone classification. Development that meets the requirement of being accessory to a Principal Permitted Use would also be permitted as part of that Principal Permitted Use. Modification #10 also specifies that accessory structures shall comply with all other standards of the LCP.
Suggested Modification #11, Exemptions
This Modification reorganizes the exemption section for better separation of the Inland and Coastal Zone requirements. Additionally, Section 35.20.040.C has been modified to better reflect the requirements of Sections 13250-13253 of the Commission's regulations. As a result the revised language provides a list of the types of development that would normally be exempt from the Coastal Development Permit requirement. Potentially exempt activities have been identified under the following categories: improvements to a structure other than a public works facility, agricultural activities; utility hook-up exclusions, temporary events and filming, repair and maintenance, and disaster replacement. However, any type of activity listed under the first two categories, improvements to a structure other than a public works facility and agricultural activities, is only exempt if it further meets the criteria in Section 35.20.040.C.1. Section 35.20.040.C.1 includes provisions to protect coastal resources, including wetlands, beaches, ESHA, coastal bluffs, and public access.
Suggested Modification #12, Development Standards
This purpose of this modification is to provide clarification throughout the CLUDC that development in the Coastal Zone is subject to *all* provisions of the certified LCP, not solely the development standards identified in each zone district. This modification also includes minor clarifications within the zone district standards to bring the text back into conformance with the existing certified language of the LCP.
Suggested Modification #13, Subdivisions
Modification #13 adds language to make it clear that, within the Coastal Zone, subdivisions and other land divisions or redivisions are not a principal permitted use and therefore all such land divisions require a Coastal Development Permit that is appealable to the Coastal Commission.
Suggested Modification #14, Lot Line Adjustments
Modification #14 provides clarifying language that, within the Coastal Zone, the review authority must make a finding that lot line adjustments of agricultural land located within the Coastal Zone will not diminish the long-term agricultural productivity of the land as a result of the proposed division. Additionally, Modification #14 provides that approval of lot line adjustments must be consistent with all of the provisions of the LCP.
Suggested Modification #15, ESHA Clarifications
The purpose of this modification is to: ensure that the revised language in the ESHA Overlay is consistent with the protection provided in the existing certified LCP, rectify an existing internal inconsistency regarding nonconforming structures, reiterate that the ESHA Overlay applies when new ESHA is identified on a project-level basis, and establish that the ESHA Overlay still applies in cases where habitat or species have been destroyed or removed unlawfully.
Suggested Modification #16, Flood Hazard Overlay

The purpose of Modification #16 is to eliminate the direct reference to uncertified outside standards located within County Code Chapter 15A (Floodplain Management) where the reference has the potential to create a conflict with the standards of the LCP. Because the outside document is not part of the certified LCP, the standards within that document may change without further notification to the Commission. To remedy the potential for conflicting standards, in this case, the applicable standards have been incorporated directly into the LCP. In addition, the modified language makes it abundantly clear that all other standards of the LCP shall still apply in addition to any need for an action by the County Flood Control District.
Suggested Modification #17, Hazardous Waste Management Facility Overlay
Modification #17 eliminates a potentially confusing reference to the Hazardous Waste Element which is not a certified document and reiterates that, within the Coastal Zone, conflicts between non-certified standards and certified standards shall be resolved by the LCP provisions taking precedence and that all such development must comply with all of the provisions of the LCP.
Suggested Modification #18, Rural Recreation
"Rural Recreation" is a land use type that is identified as an allowed use in the Agricultural Zones and Resource Protection Zones. The existing certified LCP identifies rural recreation as low intensity recreational uses within the Agricultural II zone, Resource Management zone, and Mountainous Toro zone; however, each of the zones has a different list of potential low intensity recreational uses and some provide additional standards and some do not. Modification #18 re-inserts the uses and zone standards to be more consistent with the existing certified LCP.
Suggested Modification #19, Allowed Temporary Uses
Modification #19 provides clarifying language to ensure that it is clear that any temporary use listed in Table 4-10 shall only be exempt in the Coastal Zone if it also meets the additional requirements outlined in the temporary event guidelines. Additionally, temporary trailers must meet the regular exemption criteria specified in the exemption section, 35.20.040.C.1 (see Modification #11).
Suggested Modification #20, Telecommunications Facilities (LCPA 1-05-C)
The purpose of this Modification is to incorporate the suggested modifications from LCP Amendment 1-05-C (Telecommunications) with regard to commercial and non-commercial telecommunications. LCPA 1-05-C was certified on June 14, 2007. The certified language of LCPA 1-05-C provided new procedures and development standards regarding the construction and use of commercial telecommunication facilities and provided new procedures and development standards for the construction and use of non-commercial telecommunication facilities. However, the suggested modifications approved by the Commission on March 15, 2007 were not incorporated by the County into the proposed CLUDC. Modification #20 re-inserts the Suggested Modifications from LCPA 1-05-C in order to protect coastal resources, including visual resources, public access and recreation, and environmentally sensitive habitat.
Suggested Modification #21, Clarifications Regarding Bluff Development
Modification #21 addresses two bluff development issues, structures in the bluff setback and access stairways from the bluff to the beach. First, Modification #21 clarifies that minor improvements that may be allowed within the required geologic bluff setback shall not have any structural foundations and minor ancillary structures shall not be sited closer than 15 feet from the bluff edge, except safety fencing and public trails which may be located as close as 5 feet from the bluff edge. Existing bike paths within 15 feet of the bluff edge would be allowed to be repaired maintained. Additionally, any such ancillary structures that are threatened by erosion must be removed or relocated landward. Second, Modification #21 also updates and clarifies the intent of Section *35.60.060* of the certified Zoning Code to ensure that new stairways on coastal bluffs shall be prohibited with the exception of new stairways for the purpose of providing public access to the beach. The existing LCP states that "no development shall be permitted on the bluff face except for engineered staircases or access ways to provide beach access…" This has been interpreted by the County in previous permit actions to allow for construction of private stairways on bluff slopes to provide individual homeowners access to the beach from blufftop properties. However, bluffs constitute unique coastal landforms that are inherently unstable due to steep slopes,

groundwater seepage and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes. Thus, Suggested Modification 21 is necessary to clarify the intent of this section and ensure that new development on bluff slopes will be limited to the maximum extent feasible, consistent with the provision of public access.
Suggested Modification #22, Clarifications Regarding Planning Permit Modifications
The purpose of Modification #22 is to ensure that discretionary modifications from the promulgated zone standards during planning permit approval do not adversely impact coastal resources. Modification #22 adds language that such planning permit modifications must be consistent with all other applicable resource protection policies of the LCP.
Suggested Modification #23, Development Agreements
The purpose of this modification is to describe the circumstances under which a Development Agreement is only effective once it is certified by the Commission.
Suggested Modification #24, Signs
The existing certified Zoning Code makes limited references to signs. The proposed CLUDC incorporates all of the permit requirements attributed to signs, including required sign certificates of conformance. Modification #24 clarifies when a Coastal Development Permit is required and when it may be exempt.
Suggested Modification #25, Economic Hardship
This modification further amends the time extensions process for permits to allow additional time extensions for reasons of economic hardship; however, this provision is only effective until January 12, 2012. Specifically, the Director may extend planning permits for an additional 24 months where findings of economic hardship can be made.
Suggested Modification #26, Energy
This modification is necessary to ensure that the language regarding facilities related to oil and gas development more accurately reflects the language of the existing certified LCP and provides the same level of protection of coastal resources.
Suggested Modification #27, Glossary
Hundreds of new definitions have been included as part of the proposed CLUDC. The nuances in the proposed definitions can impact how the policies and provisions of the Code are interpreted and implemented. Modifications have been made to support the objectives of other suggested modifications herein, particularly to provide guidance on interpreting the Allowed Land Use and Permit Requirements Table, to implement the system of Principal Permitted Uses, and to revert some definitions back into their original certified version.
Suggested Modification #28, Revert to Certified Language
The purpose of this modification is to re-insert language from the existing certified LCP where the loss of such language would not adequately implement the LCP, including circumstances in which it is not clear that any exceptions or modifications to approvals must be consistent with all other provisions of the LCP.
Suggested Modification #29, Errors and General Clarifications
The purpose of this modification is to correct minor errors and omissions where the lack of information may cause inadequate interpretation and implementation of the LCP.
Suggested Modification #30, LCP Amendments
Section 35.104 of the CLUDC provides guidance regarding procedures and processing of Amendments to the Land Use and Development Code. Modification #30 provides processing clarifications to ensure that an amendment to the CLUDC also requires an amendment to the certified LCP.
Suggested Modification #31, Attachments
The Land Use and Development Code document that was submitted by the County included additional attachments that are not proposed for certification as part of the LCP. However, it is not clear in the LUDC document that these attachments will not be part of the certified LCP. Because the attachments are not intended to be certified as part of the LCP there is a potential for conflicts and inadequate implementation of the certified LCP. Therefore to avoid confusion and to ensure the accurate standard of review for any projects in those areas, Modification #31 provides introductory language explaining that the attachments are

not certified as part of the LCP and the complete text, policy information, and precise language must be obtained from the certified documents.
Suggested Modification #32, Surface Mining and Reclamation Act
The existing certified LCP includes provisions for Reclamation and Surface Mining Permits pursuant to the California Surface Mining and Reclamation Act of 1975 (hereinafter SMARA). The proposed section covering SMARA in the CLUDC was rewritten to cover both the Inland area and Coastal Zone areas. However, the resulting version removed the specificity regarding implementation and procedures within the Coastal Zone. The primary purpose of Modification #32 is to make clear that mining is development in the Coastal Zone and requires a Coastal Development Permit. Further, that mining is not a designated principal permitted use and therefore all mining CDPs are appealable to the Coastal Commission.
Suggested Modification #33, Density Bonus
The existing certified LCP contains provisions to allow for a Density Bonus for Affordable Housing. The purpose is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. Such bonuses may include, but are not limited to, reductions in front, side yard, or rear yard setbacks, exceptions from height requirements, and/or parking standards. Though the County indicated that the intent was to update the Density Bonus provisions within the Zoning Code in accordance with the latest laws, as a practical matter, the revised Section in the CLUDC resulted in a reduction of the specificity regarding density bonus program implementation and incentives as applied within the Coastal Zone. In particular, the revised section, as proposed, would no longer require that new development projects which receive these bonuses and incentives must still comply with the other coastal resource protection provisions of the LCP. Modification #33 incorporates some of the specific provisions from Government Code Section 65915 et seq. directly into the CLUDC with regard to applicability and program parameters. Additionally, the Modification provides a maximum density bonus of 50% above the base zone density and provides that incentive or other concessions may only be granted in the Coastal Zone provided that such incentives or concessions are consistent with all other applicable policies and provisions of the LCP and do not create adverse impacts on coastal resources.
Suggested Modification #34, Sea Level Rise
This Modification adds a requirement that the best available scientific information, in the form of a coastal hazards analysis, be provided for nearshore projects. The analysis must encompass potential coastal hazards from erosion, flooding, wave attack, scour and other conditions as well as localized uplift or subsidence, local topography, bathymetry, and geologic conditions.
Suggested Modification #35, Renumbering
Though every effort has been made to correctly identify locations where numbering of sections or references has occurred as a result of the Suggested Modifications above, there may be cases where a reference or section number was overlooked due to the length and complexity of the Modifications. Modification #35 gives the County the ability to renumber references and section numbers as necessary to incorporate the Suggested Modifications in full.
Suggested Modification #36, Interim Montecito Zoning Code
The CLUDC effectively removes all components of the certified Zoning Codes that applies to the Montecito Community Plan Area because a separate Land Use and Development Code (the MLUDC) was developed separately for Montecito. Because the CLUDC and MLUDC are being separately processed as LCP Amendments, i.e., LCPA 1-09-A for the CLUDC and LCPA 1-09-B for the MLUDC, one document will be certified before the other. This only causes confusion if the CLUDC is certified prior to the MLUDC since the rest of the County would have a certified LUDC but not Montecito. Therefore, to ensure that it is abundantly clear which certified LCP provides the standard of review, Modification #36 states that the existing certified zoning code (Article II) shall be effective for Montecito, rather than the CLUDC, until and unless the Montecito LUDC is certified by the Coastal Commission as a separate zoning document through the LCP amendment process.

The suggested modifications, as summarized above, are necessary to ensure consistency with the LUP and adequate implementation of the LCP.

The proposed amendment under **LCP Amendment 1-09-B** is twofold: (1) it represents the replacement of the existing Implementation Plan component of the certified LCP, the Zoning Code (Article II) for the Montecito Community Plan Area with a revised and reformatted version of the Zoning Code (Montecito Land Use and Development Code (MLUDC) that is generally consistent with the changes proposed by the related LUDC but which would solely apply to the Montecito Planning Area and (2) it includes the rezoning of two parcels in Montecito from Retail Commercial (C-2) to Neighborhood Commercial (CN). Given the similarities between the proposed CLUDC and proposed MLUDC, staff is recommending that all relevant Suggested Modifications that are required for the CLUDC are also applied to the MLUDC, except where the zone district does not exist in the Montecito Planning Area or as otherwise identified in the Suggested Modifications for LCPA 1-09-B. The second part of LCPA 1-09-B, the rezone of the two properties, is consistent with the Land Use Plan and no suggested modifications are proposed to address that issue.

Staff recommends that the Commission, after public hearing, reject the proposed Santa Barbara County LCP Amendment 1-09 as submitted and then approve, only if modified as revised by the suggested modifications. If modified as suggested within this report, LCP Amendments 1-09-A and 1-09-B will be consistent with and adequate to carry out the LUP. The motions to accomplish this recommendation begin on **page 27.** The suggested modifications begin on **page 30**.

STAFF NOTE

A. THE LUDC REPRESENTS AN OVERHAUL OF THE COASTAL ZONING ORDINANCE / IMPLEMENTATION PROGRAM (CZO/IP)

There has been considerable misinformation with regard to the significance of the changes that were submitted as part of the subject LCP Amendment. One false assertion is that the subject amendment is only a reformat of the existing certified Zoning Ordinance, essentially with no proposed changes to the LCP. The second false assertion is that all changes that are proposed in the subject amendment, if any, are minor in nature. The following background information makes it clear that the proposed amendment is a significant overhaul of the current certified Coastal Zoning Ordinance and is not merely a reformat, or reformat with negligible changes.

The new Land Use and Development Code does, indeed, include a ‘reformat’ of the current CZO/IP, including a series of user-friendly charts, updated numbering system, and section reorganization as well as rephrasing of text and modernization of terminology. These changes are not at issue and in fact, provide a benefit to the general public to increase the overall clarity and interpretation of the LCP.

However, while the driving force behind the LUDC may have been to reformat and make clean-up changes, there were considerable changes unrelated to the format of the

document. The Amendment submittal package itself: (1) identified 21 sections of the LCP that were modified, (2) recognized the addition of extensive new definitions in the glossary, and (3) noted that additional regulations were added to address new regulatory requirements mandated by State Law. These facts alone dispel the conclusion that the Amendment is only a reformat. All such changes to the LCP require review via the LCP Amendment process for consistency, in this case, with the certified policies and provisions of the Land Use Plan.

Subsequently, upon review of the proposed changes to the Zoning Ordinance, Commission staff concluded that there were many changes that could not be considered minor in nature. This differed from the opinion of County staff. From discussions with County staff, the primary area of debate stemmed from a difference in opinion regarding what constitutes a substantive change to the LCP. Specifically, the County staff indicated that there were changes made that represent the County's current administrative practices and all such changes were considered minor in nature because they did not differ from the current County staff level interpretation of the Ordinance. Therefore, for instance, if the LCP was silent, or not specific, on an issue and the LUDC added information for clarity, then it was considered a minor change by County staff if it reflected current practices. However, given that these additions are not part of the certified LCP and constitute new information, at a minimum the new additions and added specificity warrant identification and review. And as described throughout this staff report, there are several areas of the proposed LUDC that require further changes to ensure consistency with the LUP.

The bulk of the substantive changes to the certified CZO/IP include:

- Modifications to 21 sections of the CZO/IP as identified in the County's Amendment submittal.
- The addition of hundreds of definitions. The nuances in the proposed definitions can impact how the policies and provisions of the Code are interpreted and implemented.
- Significant changes to the introductory matter regarding the applicability, interpretation, and means of resolving conflicts within the Coastal Zone.
- Addition of language to exempt new cultivated agriculture, orchards and vineyards from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); all residential zones except Planned Residential Development (PRD) & Mobile Home Planned Development (MHP); two industrial zones Coastal Related Industry (M-CR) & Coastal-Dependent Industry (M-CD); & lands zoned Public Works Facilities and Private Services Facility (PU).
- Addition of language to exempt new grazing from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); Resource Management (RMZ); two industrial zones M-CR & M-CD; and lands zoned PU.
- Addition of language to identify animal keeping permit requirements or exemptions for each zone district. The certified LCP does not uniformly identify animal keeping provisions for all zone districts. The proposed language fills in gaps where current LCP does not specify guidelines and in

many cases provides that animal keeping is exempt, whereas the certified LCP often identifies such activities as "Permitted Uses" requiring a permit.

- Incorporation of detailed standards for signs, flags, and similar devices from other County Codes, directly into the LUDC, including exemptions from permit requirements.
- Complete revision of the 'Density Bonus for Affordable Housing' section to remove the performance standards, create a more general framework, and allow flexibility for the standards to change with state density bonus law.
- Addition of "Use Determination" procedures for evaluating proposed land uses that are not specifically enumerated within a zone but may be allowed if they are found to be similar in character to those uses that are already specified as permitted uses within that zone.
- Addition of a new Zoning Clearance Procedure within the Coastal Zone. In the Coastal Zone, Zoning Clearances are primarily intended to evidence that development conforms to the conditions of approval established by a Coastal Development Permit.
- Complete revision of the 'Reclamation and Surface Mining Permit' section to provide more detailed procedures, standards, information requirements and findings to conform to the California Surface Mining and Reclamation Act of 1975 (SMARA), as amended.
- Re-designation of land use type 'Mining – Surface less than 1,000 cu. yds.' from requiring a Major Conditional Use Permit to a permitted use in all resource management zones, all residential zones, all commercial zones, all industrial zones, and all special purpose zones.
- Lack of incorporation of certified language, including suggested modifications, from three previous LCP Amendments: 1-05-A (Board of Architectural Review), 1-05-C (Telecommunications), and 2-06 (Noticing and Appeals).
- Provision of more specificity with regard to processing time extensions, including when hearings will occur on an application for a time extension and allowed for waiver of the public hearing consistent with the Coastal Act.
- Provision of more specificity with regard to procedures for revocation of Conditional Use Permits.
- Addition of a new section establishing procedures and requirements for Development Agreements.
- Removal of application contents for various applications in order to maintain flexibility in requirements at the time of application and site-specific circumstances.
- Addition of a new section called 'Administrative Responsibility' to outline the authority and responsibilities of staff and decision-making bodies.
- Changes proposed to the certified LCP to reflect revisions in State law regarding Mobile home Parks, Recycling facilities, Solar energy systems, and Storm water runoff requirements.

The County staff has recently indicated that many of the Suggested Modifications are inconsequential word changes. Commission staff disagrees with this assessment. Overall, the changes addressed in the suggested modifications are necessary substantive changes that will help ensure accurate implementation of the LCP, including procedures and provisions protective of coastal resources. Changes with regard to editing were intended to provide consistency with the LUDC's standardization and modernization of language, and often such edits were worked out with, and/or suggested by, County staff.

B. KNOWN AREAS OF CONTROVERSY

Commission staff and representatives of the County of Santa Barbara have endeavored to reconcile this Local Coastal Program Amendment with the requirements of the Coastal Act, the certified Land Use Plan (LUP), and the County's planning objectives. Where possible, clarifications and suggested revisions have been incorporated into this report. However, there are several issues that continue to be a source of controversy. These issue areas are summarized below:

1. Principal Permitted Use

Section 30603(a)(4) of the Coastal Act provides that approval, by a coastal county, of any development that is not designated in the LCP as "the principal permitted use" is appealable to the Coastal Commission. Because the proposed LUDC does not include a specific use that is identified as the "principal permitted use" for each zone pursuant to Section 30603(a)(4), Commission staff must interpret that all of the "permitted uses" are appealable to the Coastal Commission because none of the potential uses meets the special exception outlined in 30603 (a)(4). Santa Barbara County's certified Zoning Ordinance lists a range of "permitted uses" for each zone district, but does not identify the "principal permitted use" as required under Section 30603(a)(4). The County staff has indicated that their interpretation is that all "permitted uses" are "principal permitted uses" and, thus, none of the "permitted uses" are appealable. However, given the broad and expansive diversity of "permitted uses" which have been included in most zone districts, it does not appear that there was an attempt to limit the permitted uses to "the Principal Permitted Use" or even a single category of use (e.g., an array of residential-type uses in a residential zone district, multiple commercial-type uses in a commercial zone district).

Regardless of the history or intent of the original list of "permitted uses" currently certified as part of the LCP, it is evident that the provisions of Coastal Act Section 30603(a)(4) and LUP Section 1.3 will not be fully executed until an adequate definition and interpretation of "Principal Permitted Use" is specified within the County's LCP. Therefore, LCPA 1-09-A Suggested Modification 9 identifies a single category of Principal Permitted Uses for each zone district based on the purpose of each zone. All other uses that are not designated as a Principal Permitted Use will be appealable to the Coastal Commission under Section 30603(a)(4). Commission staff believes that identifying Principal Permitted Use is crucial to adequate implementation of the LCP. County staff has indicated a preference to interpret the existing array of "permitted uses" as "principal permitted uses," but recognizes the Commission's approach to a single category of use to represent the Principal Permitted Use in each zone.

Notwithstanding the County staff's preference for a more diverse array of principal permitted uses, the County staff has provided input on the principal permitted uses identified in the Allowed Land Use Tables assuming the single-category Principal Permitted Use approach. As a result there are three specific issues that have recently been raised by the County staff with regard to the details of implementing Principal Permitted Uses pursuant to Suggested Modification 9 as described below.

a. <u>Residences on Agricultural-Zoned Lots</u>

LCPA 1-09-A Suggested Modification 9, including the Allowed Land Use Tables in Exhibit 4, identifies the Principal Permitted Use for agricultural zones, AG-I and AG-II. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils. The following have been identified as a Principal Permitted Use in AG-I zones:

- Agricultural accessory structure (limited to certain accessory structures and uses that are incidental, appropriate, and subordinate to another use designated as a Principal Permitted Use)
- Agricultural Processing – On-premise products where proposed development is cumulatively less than 20,000 square feet in area
- Agricultural product sales (When sales area is 600 sq. ft. or less and limited to on-premise products)
- Agricultural products shipping facility - On-premise products where proposed development is cumulatively less than 20,000 square feet in area
- Cultivated agriculture, orchard, vineyard
- Dwelling, one-family (Where a primary agricultural use exists on the lot, the dwelling is used for the agricultural operator, agricultural employees, or owner, the gross floor area is limited to 5,000 sq. ft. and the total development area is restricted to no more than 10,000 sq. ft.)
- Grazing
- Greenhouses and greenhouse-related development that are cumulatively less than 20,000 sq. ft. in area may be considered a Principal Permitted Use
- Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted one-family dwelling)
- Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Water well, agricultural

Within the Coastal Zone, the AG-II zone is intended to provide for agricultural land uses on large properties (a minimum of 40- to 320-acre lots) with prime and non-prime agricultural soils in the rural areas of the County, and to preserve prime and non-prime soils for long-term agricultural use. The following have been identified as a Principal Permitted Use in AG-II zones:

- Agricultural accessory structure (limited to certain accessory structures and uses that are incidental, appropriate, and subordinate to another use designated as a Principal Permitted Use)
- Agricultural Processing – On-premise products

- Agricultural product sales (When sales area is 600 sq. ft. or less)
- Cultivated agriculture, orchard, vineyard
- Dwelling, one-family (Where a primary agricultural use exists on the lot, the dwelling is used for the agricultural operator, agricultural employees, or owner, the gross floor area is limited to 5,000 sq. ft. and the total development area is restricted to no more than 10,000 sq. ft.)
- Grazing
- Greenhouses and greenhouse-related development that are cumulatively less than 20,000 sq. ft. in area may be considered a Principal Permitted Use
- Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted one-family dwelling)
- Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
- Water well, agricultural

As indicated above, one single-family dwelling may be considered part of a principal permitted use on agriculturally-zoned lots where the residential use is associated with an existing primary agriculture use. In recent discussions, the County staff has requested that the residential development that is considered part of the Principal Permitted Use be expanded to allow the dwelling to be occupied by the owner of the property or the owners' family; the residence to be up to 5,000 sq. ft.; and the development area to be up to two acres or 3% of the lot, whichever is less.

LCPA 1-09-A Suggested Modification 10 (in relevant part) limits the residential development that may be considered part of the Principal Permitted Use of an agricultural parcel to residences where the dwelling is occupied by relevant agricultural operator or owner; the gross floor area of the dwelling does not exceed 5,000 sq. ft.; and the residential development area does not exceed 10,000 sq. ft.

Suggested Modification 10 allows for a principal permitted dwelling to be up to 5,000 sq. ft. and the dwelling to be occupied by the owner of the property where an existing primary agricultural operation exists. However, the total residential development area is limited to 10,000 sq. ft. in order to protect the long-term viability of agricultural lands. Where residential development is proposed that is greater than 5,000 sq. ft and/or proposes a development area greater than 10,000 sq. ft, such development would not be considered a principal permitted use and would be appealable to the Coastal Commission. Existing LCP policies and provisions currently provide protection for prime agricultural soils and long-term agricultural productivity and would continue to serve as the basis for review of development on, and adjacent to, agriculture on a case-by-case basis.

b. <u>Accessory Residential Uses</u>

Another issue that requires clarification with regard to implementation of the single-category principal permitted use approach includes the types of accessory uses that can be considered a part of the principal permitted use. The concept is to allow minor

ancillary structures that are typically associated with the principal permitted use to also be processed as part of the principal permitted use.

To address this issue, Commission staff had originally proposed that accessory uses to a principal permitted residential use be limited to the main categories of residential accessories, specifically: garages; pools, hot tubs, spas; storage sheds; and landscaping. Additionally, accessory uses to a principal permitted commercial, industrial, or special purpose use be limited to the typically associated accessories, specifically: equipment, maintenance, and other major outbuildings; infrastructure; landscaping; and parking. The purpose was to avoid open-ended language that would allow separate and distinct uses that are not typically associated with the principal use, to be considered part of the principal permitted use.

The County staff indicated that these categories were too strict in their interpretation to allow flexibility for other typically associated accessory structures. The County staff requested that the types of accessory structures and uses that can be considered part of the principal permitted use be broadened in all zones. Specifically that any structure and/or use that is customarily a part of, and clearly incidental and secondary to a residence, and that does not change the character of the residential use, be allowed as part of the principal permitted residential use in agricultural, resource protection, and residential zones. Similarly, the County requested that accessory uses to principal permitted commercial and industrial development be modified to provide the same flexibility in determining structures and/or uses that are customarily a part of, and clearly incidental and secondary to, the principal use of the property.

The language in Suggested Modification 10, as set forth in this report, is written to accommodate the County's request for more flexibility in determining the types of accessory residential structures. Suggested Modification 10 is also worded such that other land use types that are listed separately in the Land Use and Permit Requirements Tables could not be considered an accessory structure associated with a principal permitted use. Given that guest houses, artist studios, and residential second units are listed as separate land use types in all relevant cases, these separate and distinct developments would not be considered part of the principal permitted use and would remain appealable to the Coastal Commission. In addition, animal keeping is listed as a separate land use type. Consequently, animal keeping and associated confined animal facilities would not be considered accessory structures to the principal permitted use, and would be appealable unless separately identified as a principal permitted use in the Animal Keeping Tables. Therefore, barns, stables, corrals would not be considered accessory to a principal permitted residential, commercial, industrial, or special purpose use.

The revised language provides a means of processing accessory structures and uses that are appropriately associated with a principal permitted use while ensuring that significant development with the potential to have significant adverse impacts on coastal resources, such as guest houses, artist studies, residential second units, and relevant confined animal facilities would remain appealable development to the Coastal Commission.

c. Habitat Restoration Projects

Section 30603(a)(4) of the Coastal Act provides that local approval of any development in a Coastal County that is not designated as the principal permitted use is appealable to the Coastal Commission. Habitat restoration projects are not designated as a principal permitted use in the existing certified zoning code. Therefore all such projects would be appealable development to the Coastal Commission. Neither the proposed LCP Amendment, nor the Suggested Modifications recommend a change to that process.

LCPA 1-09-A Suggested Modification 9 implements the concept of a single category of principal permitted use by identifying the principal permitted use for each zone district (see summary of the category of principal permitted uses by zone in Tables 4 and 5 of this report). LCPA 1-09-A Suggested Modification 10 allows for accessory structures and uses within each zone district that may also be considered part of the principal permitted use. Habitat restoration is not identified as a principal permitted use in any zone. Additionally, habitat restoration is not considered accessory to a principal permitted use because it is not typically associated with, nor incidental to, any category of principal permitted uses.

Interested parties have contacted Commission staff and indicated a preference to include habitat restoration as a Principal Permitted Use or alternately, as an accessory to a Principal Permitted Use in order to eliminate the County processing time and fees associated with appealable development. The timing and fees are considered a disincentive to achieving the benefits to the environment that would result from a voluntary habitat restoration project. Notwithstanding the potential benefits of a habitat restoration project, the Coastal Act allows for only one use type to be designated as “the” principal permitted use for a zone. Habitat restoration is not designated as the principal permitted use in any zone and habitat restoration is not typically associated with any category of principal permitted use. Therefore, habitat restoration remains appealable pursuant to the LUDC, essentially providing the same exact processing and procedures as currently certified in the existing zoning code.

Additionally, since there is no specific definition as to what constitutes a habitat restoration project, the term ‘habitat restoration’ could be misapplied to projects that do not have habitat restoration as the core basis for their origination. For instance, the placement of rock on a stream bank to reduce the natural fluctuation of a stream might be characterized as habitat restoration by an applicant, whereas the intent of the project might be more accurately described as the abatement of erosion. Further, the design of habitat restoration projects is crucial to confer the maximum benefit to the resources. Given that habitat restoration is by its nature likely to occur within sensitive areas such as riparian corridors and streams or wetlands, the potential for adverse impacts to occur to resources as a result of incomplete implementation or poor design/alternative selection could have serious consequences. As a result, even if it were feasible to categorize habitat restoration as a component of the principal permitted use pursuant to Section 30603(a)(4) of the Coastal Act, it would not be appropriate to eliminate the opportunity for public participation and appealability that these sensitive projects warrant.

To address timing and processing at the County for habitat restoration projects, staff notes that the certified LCP includes a process to waive the public hearing requirement

for certain minor developments consistent with Section 30624.9 of the Coastal Act. Habitat restoration projects intended solely for the restoration of resources would likely meet the criteria for minor development that allows for the waived hearing process. This has the potential to remove at least one step in the County process.

2. Exemptions

a. Agricultural Expansion and Intensity of Use

The proposed LCP Amendment includes the addition of language to exempt new cultivated agriculture, orchards and vineyards from the requirement to obtain a Coastal Development Permit in: all agricultural zones (AG-I and AG-II); all residential zones except Planned Residential Development (PRD) & Mobile Home Planned Development (MHP); two industrial zones Coastal Related Industry (M-CR) & Coastal-Dependent Industry (M-CD); and lands zoned Public Works Facilities and Private Services Facility (PU).

New or expanded areas of agriculture change the intensity of the use of land and can also alter landforms, require grading, and change the intensity of use of water. As a result, such agricultural operations are considered development in the Coastal Zone.

Under the existing certified LCP, repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair are exempt from the requirement to obtain a Coastal Development Permit. In addition, installation of irrigation lines that do not otherwise require a grading permit; buildings or structure with a value less than $2,000; one-story detached accessory structures no larger than 120 sq. ft. and some agricultural accessory structures not exceeding 500 sq. ft. may be exempt from the requirement to obtain a CDP under existing Article II of the County's certified LCP. Exemptions from the CDP requirement for grading are limited to development that involves 50 cu. yds. or less of grading. Currently a Coastal Development Permit is required for "grading for agricultural and non-agricultural purposes which involves the movement of earth in excess of fifty (50) cubic yards." Since exemptions related to new or expanded areas of agricultural are so limited in the existing certified LCP, many new or expanded agricultural operations already require a Coastal Development Permit.

However, it has been the County staff's practice to exempt new or expanded agricultural development, inconsistent with requirements of the certified LCP. The LUDC proposes to institute these past County staff practices as new, formalized agricultural exemptions.

Therefore, Suggested Modifications 9 and 11 are necessary to clarify that new or expanded agricultural operations are not exempt from Coastal Development Permit Requirements. Suggested Modification 11 reorganizes Section 35.020.040, Exemptions, of the proposed LUDC, first, to ensure that the Inland and Coastal Zone exemptions are completely separated. The reorganization of exemptions pursuant to Suggested Modification 11 includes most of the existing certified categories of exempt development, primarily by incorporating them into two categories (1) Improvements to a structure, other than a public works facility and (2) Agricultural activities. These categories of potentially exempt development are exempt only if they do not require a CDP as specifically identified in Section 35.020.040.C.1.

The exemption section, as currently shown in Suggested Modification 11, clarifies that as part of existing, on-going lawfully established agricultural operations, certain categories of development and uses may be exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1. Specifically, the types of cultivated agricultural, orchards and vineyards within an existing agricultural footprint, as part of an ongoing lawfully established agricultural use, may be converted to other types of cultivated agriculture, orchards and vineyards within that same footprint.

However, in the Coastal Zone, new or expanded areas of agricultural activities are not exempt and require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) except under certain limited circumstances. New or expanded cultivated agriculture, orchard and vineyards may be exempt where such development meets all of the following criteria:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees.

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation. And

(6) Meets the requirements of in Section 35.20.040.C.1.

Pursuant to Suggested Modification 11, Section 35.20.040.C.1 states:

1. The exemptions described in Subsections C.2 and C.3 below shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:

    a. The development or structure is located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, on or within 50 feet of the edge of a coastal bluff, or within areas designated as highly scenic.

    b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, stream, or sand dune, or within 100 feet of the edge of a coastal bluff, in environmentally sensitive habitat areas, or within areas designated as highly scenic.

    c. The development or structure has the potential to adversely impact public access to the beach or public hiking and equestrian trails, including existing informal trails within the Coastal Zone.

    d. On property that is 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 of the sea where there is no beach, whichever is the greater distance, or in designated significant scenic resources areas, a development results in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to the exemption in sub-section C.2, below, or the analogous exemption in Coastal Act (PRC § 30610(a) or (b)), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage.

    e. The improvement is to a non-residential structure and changes the intensity of use of the structure.

f. The improvement is to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.

g. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.

The subject LCP Amendment also proposes to add language to exempt new grazing in new areas from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); Resource Management (RMZ); two industrial zones M-CR & M-CD; and lands zoned PU. Similar to cultivated agriculture as described above, there is some confusion as to the impacts of the Suggested Modifications to grazing. The exemption section, as currently shown in Suggested Modification 11, clarifies that as part of existing, on-going lawfully established agricultural operations, certain categories of development and uses may be exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1. Specifically, grazing practices within an existing grazing footprint, as part of an ongoing lawfully established agricultural use, may be exempt from the requirement to obtain a CDP. Suggested Modification 11 provides guidance that the normal rotation of livestock from one pasture to another does not qualify as increasing the intensity of use. However, the conversion of an existing grazing area to cultivated agriculture, orchard, or vineyard shall be interpreted as an increase in the intensity of use. This exemption does not include confined animal facilities except for those in association with exempt household pets or unless such development is otherwise exempt in compliance with this Section.

Using the same criteria as described above for cultivated agriculture, new or expanded grazing operations would be exempt from the Coastal Development Permit requirement under limited circumstances where new or expanded grazing meets all of the following criteria:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees.

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation. And

(6) Meets the requirements of in Section 35.20.040.C.1.

b. <u>Animal Keeping</u>

The subject LCP Amendment proposes to add language to identify animal keeping permit requirements, including multiple exemptions in each zone district. The certified

LCP does not uniformly identify animal keeping provisions for all zone districts. The proposed language fills in gaps where the current LCP does not specify guidelines and in many cases provides that animal keeping is exempt, whereas the certified LCP often identifies such activities as "Permitted Uses" requiring a coastal development permit.

Suggested Modification 9, Exhibit 4, modifies the Animal Keeping Tables to eliminate most of the proposed animal keeping exemptions. Consistent with the current certified LCP, Suggested Modification 9, Exhibit 4, identifies most animal keeping activities as 'principal permitted uses' or 'permitted uses', rather than exemptions from the requirement to obtain a Coastal Development Permit. Only limited new exemptions have been retained within the proposed Animal Keeping Tables. Specifically, household pets including dogs, cats, birds, rabbits, etc.; wildlife rehabilitation activities, and separate category of animal keeping just for dogs continue to be exempt pursuant to Suggested Modifications 9 and 11.

The County is requesting that all of the changes to the Animal Keeping Tables, where modified from Exempt to Principal Permitted OR from Exempt to Permitted Use, be removed. County staff has suggested that all confined animal facilities associated with animal keeping would be allowed with the same permit required for the animal keeping. Therefore, exempt animal keeping as proposed in the LUDC would potentially include any manner of confined animal facilities such as barns and corrals. As revised by the Suggested Modifications to this report, most animal keeping is not exempt and separate animal keeping facilities largely also require a Coastal Development Permit.

There is nothing in the Coastal Act or the certified LUP to support widespread exemptions for animal keeping and associated confined animal facilities as requested by the County. In fact, such accessory structures have the potential to adversely impact coastal resources if not designed and implemented properly,

3. <u>Stairways on Coastal Bluffs.</u>

Suggested Modification 21 updates and clarifies the intent of Section *35.60.060* of the certified Zoning Code to ensure that new stairways on coastal bluffs shall be prohibited with the exception of new stairways for the purpose of providing public access to the beach. As presently certified, the LCP states that "no development shall be permitted on the bluff face except for engineered staircases or access ways to provide beach access…" This section has been previously interpreted by the County staff to allow for the new construction of private beach access stairways on coastal bluffs. However, bluffs constitute unique coastal landforms that are inherently unstable due to steep slopes, groundwater seepage and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes. Thus, Suggested Modification 21 is necessary to clarify the intent of this section and ensure that new development on bluff slopes will be limited to the maximum extent feasible, consistent with the provision of public access. Concerns raised by County staff focused on the grandfathering of private stairways in perpetuity. However, it is specifically the aim of the Suggested Modifications that such structures would become non-conforming structures and would be permanently removed at the end of their expected life. However, repair and maintenance on private stairways would be continued to be allowed, including minor structural repairs. If 50 percent or more of a staircase requires reconstruction or replacement, such activities would no longer constitute

repair and maintenance but instead constitutes a replacement structure. At that time, it would be anticipated that the stairway had reached the end of its expected life and would be permanently removed.

Another bluff issue relates to minimum setbacks for minor ancillary structures that do not have a structural foundation. Suggested Modification 21 does not allow minor ancillary structures or improvements to be sited closer than 15 feet from the bluff edge, except for visually permeable and visually compatible fences required for safety purposes and public accessways (e.g. public trails) that qualify as minor improvements. These fences and trails may be located closer than 15 feet from the bluff edge but in no case shall the development be located closer than five feet from the bluff edge. Where an existing bicycle path is closer than 15 feet to the bluff edge, it may be repaired and maintained.

4. Subdivisions, Lot Line Adjustments, and Lot Mergers

Suggested Modifications 9, 13, and 14 work in combination to provide language within the certified LCP that clarifies that subdivisions, lot line adjustments, and lot mergers are development under the Coastal Act and the LCP. Section 30106 of the Coastal Act and the certified LCP both define the term “development”, in relevant part, as any “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.” Development (unless it is exempt pursuant to a specified exemption category) within the Coastal Zone requires a Coastal Development Permit. Therefore, subdivisions, lot line adjustments, and lot mergers are all forms of land division which require a Coastal Development Permit.

Further, pursuant to Section 30603(a)(4), County approval of a coastal development permit is appealable if the permit authorizes any development that is not designated as the principal permitted use within the County’s applicable zoning ordinances or zoning district map. Neither subdivisions, lot line adjustments, nor lot mergers are identified within the LCP as a principal permitted use in any zone. Therefore, subdivisions, lot line adjustments, and lot mergers within the coastal zone portion of unincorporated Santa Barbara County require a Coastal Development Permit that is appealable to the Coastal Commission.

However, during the processing of this amendment, County staff has informed Commission staff that, although they agree that subdivisions and lot line adjustments are development that requires a CDP, they do not agree that subdivisions and lot line adjustments are appealable solely on the merit that the subdivision or lot line adjustment is not listed as a Principal Permitted Use in the Allowed Land Use and Permit Requirement Tables.

The County staff’s position with regard to lot mergers is more procedural in nature. The County staff interprets voluntary lot mergers as beneficial to coastal resources since two potentially developable lots would be merged down into only one lot .Lot mergers are interpreted to be subject only to ministerial processing pursuant to Chapter 21, Land Division Regulations, of the County Code which is not a component of the certified LCP. These are incorrect interpretations of the LCP. Therefore, Suggested Modifications 9, 13, and 14 are necessary to clarify that any change in the density or intensity of use of land and/or division of land (including, but not limited to, subdivisions, lot line adjustments, and

lot mergers) are development under both the Coastal Act and the certified LCP and, thus, require an appealable coastal development permit.

County staff has requested that lot mergers that do not result in an increase the development potential of any of the subject lots be identified as exempt development in the LUDC. Lot mergers, however, are a form of land division and therefore development under the LCP. Additionally, lot mergers are not identified as exempt from the requirement to obtain a Coastal Development Permit pursuant to the Coastal Act, Commission's regulations, or LUP. Therefore there is no basis to allow lot mergers to be exempt from the CDP require based on the fact that they are viewed as beneficial development.

5. Sea Level Rise

A concern relative to shoreline erosion is the phenomenon of sea level rise. There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion. For fixed structures on the shoreline, such as residences or protective devices, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water.

Consistent with the LUP policies described above, and Coastal Act Section 30253 as incorporated by reference into the LUP, LCPA 1-09-A Suggested Modification 34 adds a requirement that the best available scientific information, in the form of a coastal hazards analysis, must be provided for nearshore projects. Specifically, the coastal hazards analysis must consider the potential coastal hazards to the proposed development in association with a factor for sea level rise. The analysis must encompass potential coastal hazards from erosion, flooding, wave attack, scour and other conditions as well as localized uplift or subsidence, local topography, bathymetry, and geologic conditions. Greater sea level rise rates must be used if development is expected to have a long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. This information is essential to proper planning for long-term minimization of risks and is key to avoiding the need for a shoreline protective device for the life of the structure.

County staff raised concerns that the inclusion of numerical standards for sea level rise scenarios in the coastal hazards analysis would eliminate flexibility in the future to assess sea level rise impacts based on the most current science. It was suggested that the design heights could likely change as the issue continues to evolve into the future.

As a result, minimum design standards were not incorporated into Suggested Modification 34 with regard a coastal hazards analysis. Instead, more flexible language was incorporated regarding the use of the best available science.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

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

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

Additionally, the proposed LCP Amendments 1-09-A and 1-09-B directly modify the implementation of the noticing, hearing, and appeal procedures for coastal development permits, and therefore must be reviewed for consistency with the procedural requirements established under Article 17 of Subchapter 2 of Chapter 8 of the Commission's Regulations (Sections 13560 -13572). The noticing and hearing requirements and appeals procedures specified in Article 17 provide the procedural "minimum standards" (see section 13560) for local governments in applying their Implementation Plans, in order to carry out the provisions of the Land Use Plan. Finally, LCP Amendments 1-09-A and 1-09-B would directly modify the scope of projects subject to the requirement for a Coastal Development Permit, including by designating developments that are exempt from the permit requirement. Since any such categorical exemption from coastal development permitting requirements must be accomplished through a separate procedure (see Coastal Act section 30610(e) and Subchapter 5 of Chapter 6 of the Commission's regulations), which has not occurred, the proposed amendments must be reviewed for consistency with the generally applicable exclusions from Coastal Development Permit requirements in the Coastal Act and associated regulations, primarily pursuant to Coastal Act section 30610 and under Sections 13250 – 13253 of the Commission regulations, within Chapter 6, Exclusions from Permit Requirements.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings for the County Land Use and Development Code (County Planning Commission Hearing 10/24/07; Board of Supervisors Hearing 11/27/07) and the Montecito Land Use and Development Code and rezone (Montecito Planning Commission Hearing 10/17/07) and Board of Supervisors Hearing 11/27/07). No written comments were received regarding the project from concerned parties and members of the public. One member of the public spoke in support of the project at the Montecito Planning Commission hearing. The hearings were noticed to the public consistent with Sections 13515 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations ("14 CCR"), the County, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because staff is recommending that this approval be subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and Section 13542(b). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS FOR LCP AMENDMENTS 1-09-A AND 1-09-B

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

A. STB-MAJ-1-09-A (COUNTY LAND USE AND DEVELOPPMENT CODE) DENIAL OF THE IP AMENDMENT AS SUBMITTED

MOTION I: ***I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-A as submitted.***

STAFF RECOMMENDATION OF REJECTION:

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

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

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-A and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

B. STB-MAJ-1-09-A CERTIFICATION OF THE IP AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: ***I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-A if it is modified as recommended by Commission staff.***

STAFF RECOMMENDATION:

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

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-A if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2)

there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

C. STB-MAJ-1-09-B (MONTECITO LAND USE AND DEVELOPMENT CODE AND REZONE) DENIAL OF THE IP AMENDMENT AS SUBMITTED

MOTION III: ***I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-B as submitted.***

STAFF RECOMMENDATION OF REJECTION:

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

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

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-B and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

D. STB-MAJ-1-09-B CERTIFICATION OF THE IP AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION IV: ***I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-B if it is modified as recommended by Commission staff.***

STAFF RECOMMENDATION:

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

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-09-B if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. STB-MAJ-1-09-A SUGGESTED MODIFICATIONS TO THE PROPOSED IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

The staff recommends the Commission certify LCP Amendment 1-09-A and 1-09-B if modified with the modifications as shown below. The County's proposed amended language to the certified LCP Implementation Plan is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

1. Inland Area

The following modifications provide necessary clarifications to identify sections or provisions of the CLUDC that apply only within Inland Areas (i.e., areas of the County outside of the Coastal Zone), only within the Coastal Zone, or, in some cases, within both the Coastal and Inland Areas. This is necessary to identify the provisions that are part of the certified Local Coastal Program (LCP) and specifically which are not.

Inland Area-Only Clarifications

The Land Use and Development Code shall specifically identify the following Sections as "Inland Area" at the beginning of the applicable section. If indicated after the Section number in this list, then the Section shall specify 'Inland Area' as shown further below in this Suggested Modification 1.

Table 1-1, 35.14.020 shall specify the zones that are Inland Area only (As Shown Below)35.21.030.C.1 (As Shown Below)	*35.24.070*	*35.28.160*
35.22.020.A (As Shown Below)	*35.25.020.B (As Shown Below)*	*35.28.170*
35.23.020.H (As Shown Below)	*35.25.020.C (As Shown Below)*	*35.28.210.D*
35.23.020.L (As Shown Below)	*35.25.030.C.1*	*35.28.210.E*
	35.25.050.A.1.b	*35.34.070.D*
	35.25.050.A.2	*35.34.070.F*

35.23.020.M (New, As Shown Below) *35.23.090* *35.23.110* *35.24.020.A (As Shown Below)* *35.24.020.D (As Shown Below)* *35.24.020.E (As Shown Below)* *35.24.020.H (As Shown Below)* *35.24.050.A* *35.24.050.D* *35.24.050.E*	*35.25.050.A.5.b* *35.25.050.B.1* *35.26.020.A (As Shown Below)* *35.26.020.B (As Shown Below)* *35.26.030.D.1* *35.26.050* *35.26.060* *35.28.080.C.1 Eastern Goleta Valley Guidelines* *35.28.080.E Eastern Goleta Valley Guidelines* *35.28.130 Growth Management Ordinance Overlay*	*35.34.080.C* *35.34.080.D* *35.34.090.A* *35.34.090.B* *35.36.100.I* *35.36.110.I* *35.36.120.A, B, and C* *35.42.040.B.2 (As Shown Below)* *35.82.070.F.3 Eastern Goleta Valley Guidelines (As Shown Below)*

35.21.030.C.1 *shall be modified as follows:*

1. Exemptions from floor area calculations. Within the Inland area, gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan.

35.22.020.A *shall be modified as follows:*

A. MT-GOL (Mountainous - Goleta) zone. The MT-GOL zone is applied within the Inland area to protect mountainous lands in the Goleta Planning Area that are unsuited for intensive development, and that consist of: …

35.23.020.H *- Purposes of the Residential Zones -shall be modified as follows:*

H. SLP (Small Lot Planned Development) zone. SLP zone is applied within the Inland area to areas appropriate for increased opportunities for affordable housing, and establishes standards for the development of individual small lots for one-family homes. The intent of this zone is to:

1. Provide housing opportunities which meet the needs of the community, including housing for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need; and

2. Ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for small lot planned development.

35.23.020.L *- Purposes of the Residential Zones -shall be modified as follows:*

L. MHS (Mobile Home Subdivision) zone. The MHS zone is applied within the Inland area to areas appropriate for increasing opportunities for affordable housing, and established standards for the development of mobile home subdivisions. To this end, the intent of this MHS zone is to meet community needs by providing housing opportunities for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for mobile home developments.

35.23.020.M *- Purposes of the Residential Zones -shall be added as follows:*

M. MR-O (Multi-Family Residential - Orcutt) zone. The MR-O zone is applied within the Inland area to areas located within the Orcutt Community Plan that are appropriate for new high quality multi-family residential opportunities at densities considered by state law to be affordable by design to very low and low-income households. The regulations will ensure projects located in this zone will provide safe, aesthetically pleasing and desirable new residential neighborhoods that are

compatible with existing developments. To achieve these purposes, this zone incorporates a number of basic, self-mitigating design components that promote quality design and efficient land use, the provision of open space, energy conservation, and recreational opportunities for residents and families. In addition, the regulations provide certainty to property owners, developers, and neighbors about the type of development and density allowed on these two sites. The application of the MR-O zone to Orcutt Community Plan Key Sites 3 and 30 will allow the development of not less than 372 multi-family housing units The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private and public rights-of-way and except as required by state law.

35.24.020.A *- Purposes of Commercial Zones -shall be modified as follows:*

A. **CN (Neighborhood Commercial) zone.** The CN zone is applied within the Inland area 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.

35.24.020.D *- Purposes of Commercial Zones -shall be modified as follows:*

D. **C-3 (General Commercial) zone.** The C-3 zone is applied within the Inland area to areas appropriate for wholesale and heavy commercial uses and services that are not suited to the commercial zones that accommodate lighter commercial uses. The intent is to provide for commercial uses in these areas while protecting adjacent uses from negative impacts including noise, odor, lighting, or traffic.

35.24.020.E *- Purposes of Commercial Zones -shall be modified as follows:*

E. **CS (Service Commercial) zone.** The CS zone is applied within the Inland area to areas appropriate for service commercial activities, including wholesale service and business facilities with ancillary offices and inside storage areas, which are more limited in scope than the range of uses permitted in the general commercial zones. The intent is to provide for commercial uses in these areas and ensure compatibility with and the protection of neighboring land uses from negative impacts including noise, odor, lighting, or traffic.

35.24.020. H *- Purposes of Commercial Zones - shall be modified as follows:*

H. **SC (Shopping Center) zone.** The SC zone is applied within the Inland area to areas appropriate for clustered shopping center uses. The intent is to establish provisions for the comprehensive development of property suitable for commercial use, and to prevent piecemeal commercial development in areas that may be more appropriate for a clustered shopping center use. This zone identifies the following two types of shopping centers:…

35.25.020.B *- Purposes of Industrial Zones - shall be modified as follows:*

B. **M-1 (Light Industry) zone.** The M-1 zone is applied within the Inland area and is intended to provide areas exclusively for light industrial uses. The intent is to encourage sound industrial development through appropriate areas for these uses, and to protect nearby residential, commercial, and industrial uses from hazards, noise, and other disturbances.

35.25.020.C *- Purposes of Industrial Zones - shall be modified as follows:*

C. **M-2 (General Industry) zone.** The M-2 zone is applied within the Inland area and is intended to provide areas for all types of industrial uses while providing the level of project review necessary to ensure that adverse impacts will be minimized and that these uses will be compatible with surrounding properties.

35.26.020.A *- Purposes of Special Purpose Zones - shall be modified as follows:*

A. **MU (Mixed Use) zone.** The MU zone is applied within the Inland area to areas that may be suited for mixed use development (i.e., residential, commercial, and/or industrial) because of their unique or unusual size, shape, natural characteristics, or location in relation to existing or planned land uses of adjacent areas. The intent is to plan each designated area as a unit to ensure protection of their unique qualities and to allow flexibility in the location and arrangement of the residential,

commercial and industrial development. To this end, the MU zone is designed to provide minimum general standards for development and to encourage maximum cooperation between applicants and the County in determining the specific requirements of individual projects, to ensure that the needs of the community as well as the unique characteristics of a site are addressed in the development plan.

35.26.020.B *- Purposes of Special Purpose Zones - shall be modified as follows:*

B. OT (Old Town) zones. The OT zones are applied within the Inland area to establish standards for development and guidelines for architectural continuity in areas with unique historic neighborhood characteristics. The intent is to protect and preserve neighborhood character and the architectural styles that have developed historically in these areas.

35.42.040.B.2 *shall be modified as follows:*

~~2. Additional agricultural processing facilities consisting of commercial and/or industrial development, structures, uses, and areas that are directly related to the processing, packaging, treatment and/or sale of agricultural, commodities, transportation facilities required to support agriculture or fertilizer manufacturing area allowed in the Inland area within rural areas designated with the Agricultural Industry Overlay on the Comprehensive Plan maps, provided that a Development Plan is approved in compliance with Section 35.82.080 (Development Plans).~~

2. Agricultural processing - Extensive, Inland area only. Within the Rural Area on property that is designated with the Agricultural Industry Overlay as designated on the Comprehensive Plan maps, agricultural processing facilities consisting of commercial and/or industrial development, structures, uses that are directly related agricultural may be allowed for the purposes of (1) the processing, packaging, treatment and/or sale of agricultural commodities, (2) transportation facilities required to support agriculture, and (3) fertilizer manufacturing provided that a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits) and a Final Development Plan approved in compliance with Section 35.82.080 (Development Plans) are first approved.

35.82.070.F.3 *shall be modified as follows:*

3. Additional findings required for Design Review applications on property located within the Inland area within the Eastern Goleta Valley area. Where Design Review is required in compliance with Subsection 35.28.080.E (Eastern Goleta Valley), plans for new or altered structures located within the Inland area will be in compliance with the Eastern Goleta Valley Residential Design Guidelines, as applicable. The Eastern Goleta Valley Residential Design Guidelines, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35.82.070.F.1.(i).

Inland and Coastal Zone Area Clarifications

Table 1-1, 35.14.020 shall be modified as follows:

Table 1-1 Zones

Zone Symbol	Name of Zone	Applicable Code Chapter	County Area Where Zone May Be Applied
Agricultural Zones			
AG-I	Agricultural I	35.21	Coastal Zone & Inland area
AG-II	Agricultural II		Coastal Zone & Inland area
Resource Protection Zones			
MT-GOL	Mountainous - Goleta	35.22	Inland area only
MT-TORO	Mountainous - Toro Canyon		Coastal Zone & Inland area
RMZ	Resource Management		Coastal Zone & Inland area
Residential Zones			
RR	Rural Residential (Coastal Zone) Residential Ranchette (Inland area)	35.23	Coastal Zone & Inland area

Zone Symbol	Name of Zone	Applicable Code Chapter	County Area Where Zone May Be Applied
E-1	Single Family Estate Residential		Coastal Zone & Inland area
R-1	Single Family Residential		Coastal Zone & Inland area
EX-1	One-Family Exclusive Residential		Coastal Zone & Inland area
R-2	Two-Family Residential		Coastal Zone & Inland area
DR	Design Residential		Coastal Zone & Inland area
MR-O	Multi-Family Residential - Orcutt		Inland area only
PRD	Planned Residential Development		Coastal Zone & Inland area
SLP	Small-Lot Planned Development		Coastal Zone & Inland area
SR-M	Medium Density Student Residential		Coastal Zone only
SR-H	High Density Student Residential		Coastal Zone only
MHP	Mobile Home Planned Development		Coastal Zone & Inland area
MHS	Mobile Home Subdivision		Inland area only
Commercial Zones			
CN	Neighborhood Commercial		Inland area only
C-1	Limited Commercial		Coastal Zone & Inland area
C-2	Retail Commercial		Coastal Zone & Inland area
C-3	General Commercial		Inland area only
CH	Highway Commercial	35.24	Coastal Zone & Inland area
CS	Service Commercial		Inland area only
C-V	Resort/Visitor-Serving Commercial		Coastal Zone & Inland area
SC	Shopping Center		Inland area only
PI	Professional and Institutional		Coastal Zone & Inland area
Industrial Zones			
M-RP	Industrial Research Park		Coastal Zone & Inland area
M-1	Light Industry		Inland area only
M-2	General Industry	35.25	Inland area only
M-CR	Coastal-Related Industry		Coastal Zone & Inland area
M-CD	Coastal-Dependent Industry		Coastal Zone only
Special Purpose Zones			
MU	Mixed Use		Inland area only
OT-R (1)	Old Town-Residential (1)		Inland area only
OT-R/LC	Old Town - Residential/Light Commercial		Inland area only
OT-R/GC	Old Town - Residential/General Commercial	35.26	Inland area only
PU	Public Utilities		Coastal Zone & Inland area
REC	Recreation		Coastal Zone & Inland area
TC	Transportation Corridor		Coastal Zone & Inland area
Overlay Zones			
AH	Affordable Housing		Coastal Zone & Inland area
ARC	Agriculture Residential Cluster		Coastal Zone only
F	Airport Approach		Coastal Zone & Inland area
CA	Carpinteria Agricultural		Coastal Zone only
D	Design Control		Coastal Zone & Inland area
ESH	Environmentally Sensitive Habitat		Coastal Zone only
ESH-GOL	Environmentally Sensitive Habitat - Goleta		Inland area only
ESH-TCP	Environmentally Sensitive Habitat - Toro Canyon	35.28	Inland area only
FA	Flood Hazard		Coastal Zone & Inland area
GM	Growth Management		Inland area only
HC	Highway 101 Corridor		Inland area only
HWMF	Hazardous Waste Management Facility		Coastal Zone & Inland area
PA-OTO	Pedestrian Area - Old Town Orcutt		Inland area only
RC-GOL	Riparian Corridor - Goleta		Inland area only
SF	Single Family Restricted		Coastal Zone only

Zone Symbol	Name of Zone	Applicable Code Chapter	County Area Where Zone May Be Applied
SD	Site Design		Coastal Zone only
VC	View Corridor		Coastal Zone only
Community Plan Overlay Zones			
GOL	Goleta	35.200	Coastal Zone & Inland area
LA	Los Alamos	35.240	Inland area only
ORC	Orcutt	35.300	Inland area only
SUM	Summerland	35.340	Coastal Zone & Inland area
TCP	Toro Canyon Plan	35.360	Coastal Zone & Inland area

Notes:

(1) Although the OT-R zone (Old Town-Residential) is included within the Special Purpose Zones table, it is still considered a residential zone as this term is applied within this Development Code

35.21.020 *- Purposes of the Agricultural Zones* ***-*** *shall be modified as follows:*

A. AG-I (Agricultural I) zone.

1. The AG-I zone is applied within the Coastal Zone and the Inland area to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as defined on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.

2. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils.

B. AG-II (Agricultural II) zone.

1. The AG-II zone is applied within the Coastal Zone and the Inland area to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.

2. Within the Coastal Zone, the AG-II zone is intended to provide for agricultural land uses on large properties (a minimum of 40- to 320-acre lots) with prime and non-prime agricultural soils in the rural areas of the County, and to preserve prime and non-prime soils for long-term agricultural use.

35.22.020.B *shall be modified as follows:*

B. MT-TORO (Mountainous - Toro Canyon) zone. The MT-TORO zone is applied within the Coastal Zone and the Inland area to protect mountainous lands in the Toro Canyon area that are unsuited for intensive development, and that consist of:…

35.22.020.C *shall be modified as follows:*

C. RMZ (Resource Management) zone. The RMZ zone is applied within the Coastal Zone and the Inland area to protect lands that are unsuited for intensive development and that have:…

35.23.020.C *- Purposes of the Residential Zones - shall be modified as follows:*

C. R-1/E-1 (Single Family Residential) zone. The R-1 and E-1 zones are applied within the Coastal Zone and the Inland area to areas appropriately located for one-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.

35.23.020.D *- Purposes of the Residential Zones - shall be modified as follows:*

D. EX-1 (One-Family Exclusive Residential) zone. The EX-1 zone is applied within the Coastal Zone

and the Inland area to areas appropriate for high standards of residential estate development on lots larger than one acre. The intent is to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.

***35.23.020.E** - Purposes of the Residential Zones - shall be modified as follows:*

E. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied within the Coastal Zone and the Inland area to areas appropriate for 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.

***35.23.020.F** - Purposes of the Residential Zones - shall be modified as follows:*

F. **DR (Design Residential) zone.** The DR zone is applied within the Coastal Zone and the Inland area 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.

***35.23.020.G** - Purposes of the Residential Zones - shall be modified as follows:*

G. **PRD (Planned Residential Development) zone.** The PRD zone is applied within the Coastal Zone and the Inland area ~~ensures~~ to ensure the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps that are intended primarily for residential use. The intent of this zone is to:…

***35.23.020.K** - Purposes of the Residential Zones - shall be modified as follows:*

K. **MHP (Mobile Home Planned Development) zone.** The MHP zone is applied within the Coastal Zone and the Inland area to areas appropriate for mobile homes on non-permanent foundations, in planned developments including mobile home rental parks and mobile home statutory (air space) condominiums. The intent is to meet community needs by providing affordable housing opportunities. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping design for mobile home developments.

***35.24.020.B** – Purposes of Commercial Zones -shall be modified as follows:*

B. **C-1 (Limited Commercial) zone.** The C-1 zone is applied within the Coastal Zone and the Inland area to areas appropriate for both retail and service commercial activities that serve the local community and in the Coastal Zone, the traveling public as well. This zone allows diverse uses, yet restricts allowable uses to those that are also compatible with neighboring residential uses to protect residential uses from negative impacts, including noise, odor, lighting, traffic, or degradation of visual aesthetic values.

***35.24.020.C** – Purposes of Commercial Zones -shall be modified as follows:*

C. **C-2 (Retail Commercial) zone.** The C-2 zone is applied within the Coastal Zone and the Inland area to areas appropriate for retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.

***35.24.020.F** – Purposes of Commercial Zones -shall be modified as follows:*

F. **CH (Highway Commercial) zone.** The CH zone is applied within the Coastal Zone and the Inland area to areas adjacent and accessible to highways or freeways appropriate for uses that serve the highway traveler.

***35.24.020.G** – Purposes of Commercial Zones -shall be modified as follows:*

G. **C-V (Resort/Visitor Serving Commercial) zone.** The C-V zone is applied within the Coastal Zone and the Inland area 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.

***35.24.020.I** – Purposes of Commercial Zones -shall be modified as follows:*

I. **PI (Professional and Institutional) zone.** The PI zone is applied within the Coastal Zone and the Inland area to areas appropriate for professional uses, and for educational, institutional, governmental, and other public facilities. It is the intent of this zone to ensure that these uses are well-designed and landscaped, and harmonious with surrounding land uses.

***35.25.020.A** - Purposes of Industrial Zones - shall be modified as follows:*

A. **M-RP (Industrial Research Park) zone.** The M-RP zone is applied within the Coastal Zone and the Inland area and is intended to provide areas exclusively for light industry, technical research, and business headquarters office ~~as the primary land use types,~~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 adjacent non-industrial areas.

***35.26.020.D** - Purposes of Special Purpose Zones - shall be modified as follows:*

D. **REC (Recreation) zone.** The REC zone is applied within the Coastal Zone and the Inland area 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.

***35.26.020.E** - Purposes of Special Purpose Zones - shall be modified as follows:*

E. **TC (Transportation Corridor) zone.** The TC zone is applied within the Coastal Zone and the Inland area 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.

***35.28.020** shall be modified to add a new Subsection C. to read as follows:*

C. **Areas where overlay zones may be applied.**

1. **Coastal Zone and Inland area.** The following overlay zones may be applied within both the Coastal Zone and the Inland area: Airport Approach (F) Overlay Zone, Design Control (D) Overlay Zone, Flood Hazard Area (FA) Overlay Zone, Hazardous Waste Management Facility (HWMF) Overlay Zone, and Community Plan Overlays.

2. **Coastal Zone only.** The following overlay zones may be applied only within the Coastal Zone: Agriculture - Residential Cluster (ARC) Overlay Zone, Carpinteria Agricultural (CA) Overlay Zone, Environmentally Sensitive Habitat Area (ESH) Overlay Zone, Single Family Restricted (SF) Overlay Zone, Site Design (SD) Overlay Zone, and View Corridor (VC) Overlay Zone.

3. **Inland area only.** The following overlay zones may be applied only within the Inland area: Environmentally Sensitive Habitat Area-Goleta (ESH-GOL) Overlay Zone, Environmentally Sensitive Habitat Area - Toro Canyon (ESH-TCP) Overlay Zone, Growth Management Ordinance (GMO) Overlay Zone, Hazardous Waste Management Facility (HWMF) Overlay Zone, Highway 101 Corridor (HC) Overlay Zone, Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone, and Riparian Corridor - Goleta (RC-GOL) Overlay Zone.

***35.42.280 -** Wineries- shall be modified as follows:*

…

B. Coastal Zone permit requirements and development criteria. The following permit requirements and development criteria apply to wineries located in the Coastal Zone and zoned AG-II.

…

C. Inland area permit requirements and development criteria. The following permit requirements and development criteria apply to wineries located in the Inland area and zoned AG-I or AG-II.

2. References

35.10.040.B*- Applicability of the Development Code - shall be modified as follows:*

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 Article 35.2 (Zones and Allowable Land Uses), unless a reduction is allowed in compliance with Section 35.82.200 (Variances), ~~the County's subdivision regulations (County Code, Chapter 21)~~ and all other applicable requirements of this Development Code and the Local Coastal Program.

35.14.020.A*- Zoning Map and Zones - shall be modified as follows:*

A. **Zones established.** The Santa Barbara County shall be divided into zones that implement the Santa Barbara County Comprehensive Plan and the Local Coastal Program. The zones shown in Table 1-1 (Zones) below, are hereby established and shall be shown on the Zoning Map.

35.20.030 *- Allowable Development and Planning Permit Requirements - shall be modified as follows:*

A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.21 through 35.28, together with the type of planning permit required for each use. Each listed land use type is defined in Article 35.11 (Glossary).

1. **Establishment of an allowable use.** A~~ny~~ A land use identified by Chapters 35.21 through 35.28 as being allowable within a specific zone may be established on a~~ny~~ a lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below, and subject to compliance with all applicable requirements of this Development Code and the Local Coastal Program.

35.30.070.C.4 *- Fences and Walls - shall be modified as follows:*

4. **Retaining wall exemption.** A retaining wall (retaining earth only) ~~that~~ is exempt from Coastal Development Permit or Land Use Permit requirements when in compliance with the following:

a. The retaining wall shall not be greater~~over~~ than four feet in height measured from the bottom of ~~a~~ the footing to the top of the wall.

b. Any grading associated with the retaining wall does not exceed 50 cubic yards or otherwise require ~~and does not require~~ a Grading Permit in compliance with County Code Chapter 14.

c. The retaining wall and any associated development including grading shall be in compliance with the exemption requirements in Section 35.20.040 (Exemptions from Planning Permit Requirements). ~~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 located in the Coastal Zone.~~

d. **Coastal Zone**. Within the Coastal Zone, the retaining wall shall be associated with legally existing development.

35.30.080.B *- Flood Hazard Development Standards - shall be modified as follows*

B. **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 (1) it is demonstrated through hydrologic and hydraulic analyses submitted by the applicant and acceptable to the Director of the County Public Works Department that the development will not increase flood levels within the community ~~off-setting improvements in accordance with Housing and Urban Development regulations are provided~~ and (2) the development is consistent with all other provisions of the Comprehensive Plan and the Local Coastal Program. If the proposed development falls within the floodway fringe, development may be permitted, provided that creek setback requirements are met and finished floor elevations are above the projected 100-year flood elevation and further provided that the development is consistent with all other provisions of the Comprehensive Plan and the Local Coastal Program ~~as specified in County Code Chapter 15A (Floodplain Management)~~.

35.30.170.C.3 *- Solid Waste and Recycling Storage Facilities - shall be modified as follows:*

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.

The following sections with references to "Comprehensive Plan" shall be revised to provide an additional reference to the "Local Coastal Program" in the format specified below:

Comprehensive Plan and the Local Coastal Program

35.20.020.C *(As Shown Below)*

35.23.080.A

35.30.010.C

35.62.040.C.1.b(6)

35.82.060.E.1.f

35.82.080.E.1.f

35.82.130.E.1.a

35.104.090.A.3.i

35.20.020.C *shall be modified as follows:*

C. **Development standards, conditions of approval, Comprehensive Plan and Local Coastal Program.** Each land use and structure shall comply with the development standards of this Chapter, the provisions of Article 35.2 through Article 35.8, all other applicable requirements of this Development Code, the Comprehensive Plan and Local Coastal Program, including any applicable community, specific or area plan, and any applicable conditions imposed by a previously granted planning permit.

35.26.020.E *- Purposes of Special Purpose Zones - shall be modified as follows:*

E. **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 Land Use Plan and other elements of the~~ Comprehensive Plan and the Local Coastal Program.

35.28.190.C *- Site Design (SD) Overlay Zone - shall be modified as follows:*

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.

…

35.30.050.B *– Density - shall be modified as follows:*

B. Density may be increased for an affordable housing project in compliance with Chapter 35.32 (Density Bonus for Affordable Housing) ~~Housing Element policies~~, provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.

35.88.040 *- Processing of Specific Plans - shall be modified as follows:*

…

D. Transmittal of Commission's recommendation to the Board.

1. The Commission's recommendation on the Specific Plan and proposed ~~Coastal Land Use Plan~~ Local Coastal Program Amendment, if applicable, shall be transmitted to the Board by resolution of the 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 Commission's reasons for the recommendation.

…

I. For sites located within the Coastal Zone. 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 Commission

35.101.020 *- Nonconforming Uses of Land and Structures - shall be modified as follows:*

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.

7. Except for applicable density requirements, the enlargement, extension, reconstruction, relocation and/or structural alteration complies with the Comprehensive Plan and Local Coastal Program.

35.101.030.B *- Nonconforming Structures - shall be modified as follows:*

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.

…

6. Reconstruction shall commence within 24 months.

…

d. 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, the Comprehensive Plan, and the Local Coastal Program.

3. Appeals (LCPA 2-06)

35.82.020.A *- Effective Date of Permits - shall be modified as follows:*

A. Coastal Zone.

…

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 working-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 with or by the 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 calendar days of the date of the decision by the applicable review authority in compliance with Chapter 35.102 (Appeals) unless otherwise indicated in the planning permit.

35.82.050 *- Coastal Development Permits - shall be modified as follows:*

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~~ is in conformity with

the provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Development Code and any permit 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~~ development that is defined as appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals).

B. **Applicability.** Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone wherein permits are required under the provisions of this Development Code, issuance of a Coastal Development Permit ~~shall be issued~~ is required in compliance with Section 35.82.050 (Coastal Development Permits), unless such activity is identified as exempt ~~by~~ in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) or ~~that~~ a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) ~~or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ is required.

…

D. **Processing.**

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and ~~or~~ is not processed in conjunction with a Conditional Use Permit, Minor 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. After receipt of an application for a Coastal Development Permit, the Director shall review the application in compliance with the requirements of the California Environmental Quality Act unless the development is exempt from the California Environmental Quality Act.

~~a~~b. The Director shall review each Coastal Development Permit application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit.

…

~~b~~c. Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).

~~c~~d. The action of the Director is final, subject to appeal in compliance with Chapter 35.102 (Appeals).

~~d~~e. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section shall not be issued ~~and~~ or deemed effective in compliance with Section 35.82.020 (Effective Date of Permits):

…

~~e~~f. In the case of a development which requires a public hearing and final action by the Commission or Zoning Administrator, 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 35.102 (Appeals).

~~f~~g. 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 or ~~unless~~ a Preliminary or Final Development Plan in compliance with Section 35.82.080 (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 35.102 (Appeals) and is not processed in conjunction with a Conditional Use Permit, Minor 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 Chapter 35.102 (Appeals) and that is not subject to Subsection D.3, below ~~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 unless the development is exempt from the California Environmental Quality Act.

…

e. The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

…

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 Zoning Administrator's hearing agendas.

f. The action of the ~~Zoning Administrator~~ review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

g. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section shall not be issued ~~and~~ or deemed effective in compliance with Section 35.82.020 (Effective Date of Permits):

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 or ~~unless~~ a Preliminary or Final Development Plan in compliance with Section 35.82.080 (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 Permit processed in conjunction with a Conditional Use Permit, Minor 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 or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or a Final Development Plan in compliance with Section 35.82.080 (Development Plans).

a. An application for a Coastal Development Permit processed in compliance with this Subsection D.3 shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or Minor Conditional Use Permit or Final Development Plan.

~~a~~b. The review authority for the Conditional Use Permit, Minor Conditional Use Permit or Final Development Plan shall be the review authority for the Coastal Development Permit except as described below:

(1) If an application for a Coastal Development Permit processed concurrently and in conjunction with an application for a Final Development Plan under the jurisdiction of the Director in compliance with Section 35.82.080 is for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals), then the Zoning Administrator shall be the review authority for both the Coastal Development Permit and the Final Development Plan.

~~The Zoning Administrator shall be the review authority for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Section 35.82.080) for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals).~~

~~b~~c. 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 unless the development is exempt from the California Environmental Quality Act.

~~c~~d. The review authority shall review the Coastal Development Permit application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and applicable community and area plans, this Development Code and other applicable conditions and regulations.

~~d~~e. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).

~~e~~f. Public hearing requirement.

1. Development that is not appealable to the Coastal Commission. For development that is not appealable to the Coastal Commission in compliance with Section 35.102 (Appeals) the review authority shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with Section 35.82.080.D.

2. Development that is appealable to the Coastal Commission. For development that is appealable to the Coastal Commission in compliance with Section 35.102 (Appeals) ~~The~~ 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~~g. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

~~g~~h. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit or Minor 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 35.102 (Appeals).

…

~~h~~i. 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 35.82.020 (Effective Date of Permits):

…

~~i~~j. 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 or ~~unless~~ a Preliminary or Final Development Plan in compliance with Section 35.82.080 (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 35.102 (Appeals) ~~or~~ and is not processed in conjunction with a Conditional Use Permit, Minor 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~~ To the applicable provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan; and

      (2) ~~The~~ With the applicable provisions of this Development Code or the project falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

   …

   c. The subject property and any development on the 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 35.101 (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 35.102 (Appeals) and is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit or Development Plan) above, shall be approved or conditionally approved only if the review authority first makes all of the following findings:

   …

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.~~

1. Coastal Development Permits approved in compliance with Section 35.82.050.D.1 or Section 35.82.050.D.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 35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor 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 35.84.030 (Time Extensions).~~

a. ~~The approval or conditional approval of a~~ An approved or conditionally approved Coastal Development Permit shall be valid for ~~one year~~ 12 months from date of action by the final review authority including the Coastal Commission if the development is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)~~. Prior to expiration of the approval, the review authority 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 35.82.050.E can still be made~~ unless a time extension is approved in compliance with Section 35.84.030 (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 35.102 (Appeals)) shall be valid for 12 months unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).~~

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 unless a time extension is approved in compliance with Section 35.84.030 (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, Minor 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.~~

2. Coastal Development Permits approved in compliance with Section 35.82.050.D.3.

a. ~~The approval or conditional approval of a~~ An approved or conditionally approved Coastal Development Permit shall be valid for ~~one year~~ 12 months from the date of action by the final review authority ~~action~~ including the Coastal Commission if the development is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)~~. Prior to the expiration of the approval, the review authority 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 35.82.050.E can still be made~~ unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

~~(1) Prior to the expiration of a time extension approved in compliance with Subsection 3.a above, the review authority 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 35.82.050.E 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 unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

c. A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 3.a and/or 3.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, Minor Conditional Use Permit or Development Plan (as modified by any extension thereto).

…

35.82.060 *- Conditional Use Permits and Minor Conditional Use Permits - shall be modified as follows:*

…

C. Contents of application. An application for a Conditional Use Permit shall be submitted in compliance with Chapter 35.80 (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~~ as follows:

   a. The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

      (1) ~~The development is located within~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b);~~,~~ or

   ~~b.~~ (2) ~~The project is located in an area of the County~~ 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 in compliance with Section 35.82.060.C that the Director determines to be applicable to the request.

D. Processing.

…

4. The review authority shall hold at least one noticed public hearing on the requested Conditional Use Permit and Coastal Development Permit, if applicable, and approve, conditionally approve, or deny the request.

…

6. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

   a. In compliance with Public Resources Code Section 30603, the action of the review authority on a Coastal Development Permit ~~on~~ for a conditionally permitted use is appealable to the Coastal Commission in compliance with Chapter 35.102 (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 shall take precedence over and may be more restrictive than those required in the specific zones.

…

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 35.82.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (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 35.82.050.D.3 or the Coastal Commission ~~because:~~.

      (1) ~~The development is located within the retained permit jurisdiction of the Coastal~~

~~Commission, or~~ The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

~~(2)~~ (a) ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with 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.

b. Land Use Permit required. In addition to the issuance of a Coastal Development Permit in compliance with Subsection G.1.a, above, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required ~~if the project requires a Coastal Development Permit issued by the Coastal Commission because:~~ as follows.

(1) ~~The development is located within the retained permit jurisdiction of the Coastal Commission, or~~ The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

~~(2)~~ (a) ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with 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 approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the approval of the Land Use Permit by the Director.

(2) The approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Conditional Use Permit.

The Land Use Permit is the final planning permit required by the Department to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit, and does not have any effect on the associated Coastal Development Permit.

c. Zoning Clearance required. In addition to a Coastal Development Permit in compliance with Subsection G.1.a, above, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (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 35.84.040.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 35.82.050.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 35.82.050. 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 any applicable community and area plans, 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 35.106 (Noticing and Public Hearings).~~

~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (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 35.82.050.E (Findings for Approval).~~

…

3. **Time limits and extensions**. At the time of approval of a Conditional Use Permit, a time limit shall be established within which the Coastal Development Permit, Land Use Permit or Zoning Clearance shall be issued.

…

c. The review authority ~~that approved~~ responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) may extend the time limit in compliance with Section 35.84.030 (Time Extensions).

(1) **Coastal Zone.** An approved time extension shall not extend the time in which to obtain the required Land Use Permit or Zoning Clearance 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) ~~If the~~ The required time limit in which to obtain the required Coastal Development Permit or Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, or ~~then the Conditional Use Permit shall be considered void and of no further effect.~~

(2) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.

…

35.82.080 *- Development Plans - shall be modified as follows:*

…

B. Applicability.

…

3. **Review authority**. The review authority for Development Plans is identified in Table 8-2 (Development Plan Review Authorities) below~~.~~, except as follows:

a. Conditions of an approved Preliminary Development Plan indicate otherwise.

b. When an application for a Final Development Plan is submitted for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) then Zoning Administrator shall be the review authority if the Director is identified as the review authority in Table 8-2 (Development Plan Review Authorities), below.

…

C. **Contents of application**. An application for a Development Plan shall be submitted in compliance

with Chapter 35.80 (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~~ as follows:

   a. The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

      (1) ~~The development is located within~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b);~~,~~ or

   ~~b.~~ (2) ~~The project is located in an area of the County~~ 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 in compliance with Section 35.82.060.C that the Director determines to be applicable to the request.

…

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:

…

2. Additional finding required for Final Development Plans.

a. Substantial conformity. The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan, then the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan. To determine whether the Development Plan is in substantial conformity with the original plan, the review authority shall use the Substantial Conformity Guidelines (Appendix H).

…

F. Requirements prior to commencement of development authorized by a Final 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 35.82.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (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 35.82.050.D.3 or the Coastal Commission ~~because:~~.

(1) ~~The development is located within the retained permit jurisdiction of the Coastal Commission, or~~ The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

~~(2)~~ (a) ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with 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.

b. Land Use Permit required. In addition to the issuance of a Coastal Development Permit in compliance with Subsection F.1.a, above, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required ~~if the project requires a Coastal Development Permit issued by the Coastal Commission because:~~ as follows.

(1) ~~The development is located within the retained permit jurisdiction of the Coastal Commission, or~~ The Coastal Commission is the review authority for the Coastal Development Permit when the development is located:

~~(2)~~ (a) ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~ Within the retained permit jurisdiction of the Coastal Commission in compliance with 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.

(2) The approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Final Development Plan.

The Land Use Permit is the final planning permit required by the Department to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit, and does not have any effect on the associated Coastal Development Permit.

c. Zoning Clearance required. In addition to the issuance of a Coastal Development Permit in compliance with Subsection F.1.a, above, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (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 35.84.040.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 35.82.050.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 35.82.050.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 any applicable community and area plans, 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 35.106 (Noticing and Public Hearings).~~

~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (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 35.82.050.E (Findings required for approval)~~.

…

35.82.110.E *- Land Use Permits - shall be modified as follows:*

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 <u>and the Local Coastal Program, if applicable, including</u> any applicable community or area plan; and

…

35.84.030.D *- Time Extensions shall be modified as follows:*

D. Processing.

1. Coastal Development Permit.

a. Approved Coastal Development Permit<u>s</u> ~~for appealable development~~ <u>approved in compliance Section 35.82.050.D.1 or Section 35.82.050.D.2</u>.

(1) Coastal Development Permits ~~approved by~~ <u>under the jurisdiction of</u> the Director. The Director may extend the approval of a Coastal Development Permit ~~for appealable development~~ approved ~~by the Director~~ <u>in compliance with Section 35.82.050.D.1</u> one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

…

~~**(2) Coastal Development Permit approved by the Commission.** The Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.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 Commission shall hold at least one noticed public hearing on the requested Time Extension 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 35.106 (Noticing and Public Hearings).~~

~~(d) The action of the Commission is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

(~~3~~<u>2</u>) Coastal Development Permit<u>s</u> approved by <u>under the jurisdiction of</u> the Zoning Administrator. The Zoning Administrator may extend the approval of a

Coastal Development Permit ~~for appealable development~~ ~~approved by the Zoning Administrator~~ in compliance with Section 35.82.050.D.2 one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

…

b. Approved Coastal Development Permits approved in compliance Section 35.82.050.D.3.

(1) Coastal Development Permits approved by under the jurisdiction of the Director.

(a) The Director may extend the approval of a Coastal Development Permit under the decision authority of the Director in compliance with Table 8-2 (Development Plan Review Authorities) one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

(i) 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.

(ii) A public hearing shall not be required if the Director is the review authority for the application for the time extension.

(iii) The Director may approve, conditionally approve or deny the request.

(iv) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(b) Prior to the expiration of a time extension approved in compliance with Subsection D.1.b(1)(a) above, the Director may approve two additional time extensions for two years each for good cause shown provided the applicable findings for the approval required in compliance with Section 35.82.050.E can still be made.

(i) 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.

(ii) A public hearing shall not be required if the Director is the review authority for the application for the time extension.

(iii) The Director may approve, conditionally approve or deny the request.

(iv) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(2) Coastal Development Permits approved by the Zoning Administrator or the Commission.

(a) The review authority responsible for reviewing and making a decision on the application for the Coastal Development Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) may extend the approval of a Coastal Development Permit one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

(i) 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.

(ii) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.

(iii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(iv) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(b) Prior to the expiration of a time extension approved in compliance with Subsection D.1.b(1)(a) above, the review authority may approve two additional time extensions for two years each for good cause shown provided the applicable findings for the approval required in compliance with Section 35.82.050.E can still be made.

(i) 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.

(ii) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.

(iii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(iv) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

~~b~~**c.** **Issued Coastal Development Permits.** The Director may extend the ~~time limit~~ expiration 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 35.82.050.E (Findings required for approval) can still be made.

…

35.84.040 *- Changes to an Approved Project - shall be modified as follows:*

…

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 in compliance with Appendix E (Guidelines for Minor Changes to Coastal Development and Land Use Permits). 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 35.82.070 (Design Review).

2. Where a minor change of an approved or issued Coastal Development Permit 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 35.102 (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 H).

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, including an appeal to the Coastal Commission.

3. Conditional Use Permits. Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination the issuance of a Land Use Permit in compliance with Section 35.82.110 shall be required. In the Coastal Zone, a change to a Conditional Use Permit may also require the approval of a minor change to the associated Coastal Development Permit in compliance Subsection B above.

~~**a. Coastal Zone.** A Coastal Development Permit approved in compliance with Section 35.82.050 (Coastal Development 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 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 35.102 (Appeals).~~

~~**b. Inland area.** A Land Use Permit approved in compliance with Section 35.82.110 (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.~~

a. ~~(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.

b. ~~(2)~~ The action of the review authority to approve, conditionally approve, or deny the Land Use Permit is final subject to appeal in compliance with Chapter 35.102 (Appeals).

c. Where a minor change of an approved Conditional Use Permit is approved by the approval of a Substantial Conformity Determination, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

4. Final Development Plans. Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination the issuance of a Land Use Permit in compliance with Section 35.82.110 shall be required. In the Coastal Zone, a change to a Final Development Plan may also require the approval of a minor change to the associated Coastal Development Permit in compliance Subsection B above.

~~**a. Coastal Zone, appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.82.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (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 35.82.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (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 35.102 (Appeals).~~

~~**b. Coastal Zone, not appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (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 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (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 35.102 (Appeals).~~

~~**c. Inland area.** A Land Use Permit approved in compliance with Section 35.82.110 (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.~~

a. ~~(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.

b. ~~(2)~~ The action of the review authority to approve, conditionally approve, or deny the Land Use Permit is final subject to appeal in compliance with Chapter 35.102 (Appeals).

c. Where a minor change of an approved Conditional Use Permit is approved by the approval of a Substantial Conformity Determination, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit..

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~~ review authority 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~~ area of the proposed new development that is under review:

(~~1~~a) 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~~b) 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. Permit required prior to commencement of development. Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required in compliance with the following.

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

(1) Development that may be appealed to the Coastal Commission. An Amendment to a Conditional Use Permit or Final Development Plan for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) shall be processed as follows:

(a) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

(b) The application for the Amendment shall be processed concurrently and in conjunction with an application for a Coastal Development Permit subject to the processing requirements of Section 35.82.050.D. The Zoning Administrator shall be the review authority.

(c) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3,

below, in addition to the applicable findings required in compliance with Section 35.82.050 (Coastal Development Permits).

(d) The action of the review authority is final, subject to appeal in compliance with Chapter 35.102 (Appeals).

(2) Other development. An Amendment to a Final Development Plan for development that is not included in Subsection D.2.a(1), above, shall be processed as follows:

(a) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

(b) The application for the Amendment shall be processed concurrently and in conjunction with an application for a Coastal Development Permit subject to the processing requirements of Section 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit or Final Development Plan).

(c) An application for an Amendment to a Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below, in addition to the applicable findings required in compliance with Section 35.82.050 (Coastal Development Permits).

(d) The action of the review authority is final, subject to appeal in compliance with Chapter 35.102 (Appeals).

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

(1) An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

(2) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below.

(3) 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 35.106 (Noticing and Public Hearings).

(4) The action of the Director is final, subject to appeal in compliance with Chapter 35.102 (Appeals).

(5) Prior to the commencement of the development and/or use authorized by the Amendment the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permit) shall be required.

(a) The Land Use Permit shall not be approved prior to the approval of the Coastal Development Permit by the Coastal Commission.

c. Inland area.

(1) An Amendment to a Conditional Use Permit or Final Development Plan for development located in the Inland area shall be processed as follows:

(a) An application for an Amendment shall be submitted in compliance with

Chapter 35.80 (Permit Application Filing and Processing).

(b) An application for an Amendment to a Conditional Use Permit or Final Development Plan shall be approved or conditionally approved only if the review authority first makes all of the findings listed in Subsection D.3, below.

(c) 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 35.106 (Noticing and Public Hearings).

(d) The action of the Director is final, subject to appeal in compliance with Chapter 35.102 (Appeals).

(e) Prior to the commencement of the development and/or use authorized by the Amendment the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required.

~~2~~**3.** **Findings.** An Amendment application shall be approved or conditionally approved only if the ~~Director~~ review authority first makes all of the following additional findings:

…

~~**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 35.106 (Noticing and Public Hearings).~~

CHAPTER 35.102 APPEALS

35.102.020 *- General Appeal Procedures - shall be modified as follows:*

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 35.102.060.D. (Decisions appealed to the Coastal Commission) below.~~

~~b. The final approval of projects under the jurisdiction of the Director, Commission, or Zoning Administrator.~~

~~c. Decisions of the Board of Architectural Review.~~

B. Timing and form of appeal.

1. Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator. The decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator may be appealed in compliance with the following procedures. In addition, final action on Coastal Development Permits may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission), below.

a. Filing of the appeal. An appeal, which shall be in writing and accompanying fee, of a decision of the Board of Architectural Review, Director, Commission, or Zoning Administrator 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 follows:

(1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with Section 35.56.070 (Decision on Application to Defer Abandonment).

(2) 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 next calendar 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 the Comprehensive Plan, Local Coastal Program, 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.

e. An appeal of the denial of a Coastal Development Permit for property within the Coastal Zone of the Toro Canyon Planning area shall be submitted with an application for an Economically Viable Use Determination if it is claimed by the appellant that the denial of the Coastal Development Permits constitutes a taking of private property. The Economically Viable Use Determination application shall be in compliance with Subsection 2.d (Economically Viable Use Determination applications) below, and shall provide information supporting the assertion that denial of the Coastal Development Permit would constitute a taking of private property.

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 a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall also ~~identify~~:

(1) Identify whether ~~How~~ the Coastal Development Permit or Land Use Permit is inconsistent with ~~the~~ a previously approved discretionary permit; If so, the applicant shall provide a detailed description of the inconsistency.

(2) Identify whether ~~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~~ If so, the applicant shall provide a detailed description of the discretionary permit's conditions that remain to be completed.

(3) Identify whether ~~How~~ the approval is inconsistent with Chapter 35.106 (Noticing and Public Hearings). If so, the applicant shall provide a detailed description of the inconsistency.

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 35.42.230 (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~~ Local Coastal Program, including 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~~ Local Coastal Program 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 residential second unit in compliance with Section 35.42.230 (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 35.42.230.G (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 35.42.230.G (Development standards).

c. Appeals of final decisions of the Board of Architectural Review. A decision of the Board of Architectural Review to grant final approval may not be appealed to the 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. Economically Viable Use Determination applications. An application for an Economically Viable Use Determination shall include the entirety of all lots that are geographically contiguous and held by the appellant in common ownership at the time of the application and the following information as deemed necessary by the Department shall be submitted:

(1) The date the appellant purchased or acquired the lot, and from whom.

(2) The purchase price paid by the appellant.

(3) The fair market value of the lot at the time the appellant acquired it, including information on the basis in which the fair market value was derived, including any appraisals done at the time.

(4) The Comprehensive Plan and land use designation applicable to the lot at the time the appellant acquired it, and any subsequent changes to these designations.

(5) Any development or use restrictions, other than the restrictions described in Subsection (4) above, applicable to the property at the time it was acquired or which have been subsequently imposed.

(6) The date and method of any subsequent changes in the size or configuration of the lot, if applicable.

(7) Information (e.g., sale, lease or rent prices and associated dates) regarding any subsequent sale or lease of a portion or interest in the lot, if applicable.

(8) Any title reports, litigation guarantees or similar documents in connection with all or a portion of the lot of which the appellant is aware.

(9) Any offers to buy all or a portion of the lot which the appellant solicited or received, including the approximate date of the offer and offered price.

(10) The appellant's costs associated with the ownership of the lot, annualized for each of the last five calendar years including, property taxes, property assessments, debt service costs (such as mortgage and interest costs), operation, and management costs.

(11) Any income excluding any rents received from the leasing of all or a portion of the lot over the last five calendar years, listed on an annualized basis along with a description of the uses generating the income.

(12) Any additional information that the Department deems necessary to make the determination.

D. Acceptance of appeal. An appeal ~~shall not may be accepted~~ may be rejected by the Director ~~unless if it is complete and complies~~ if it is incomplete or does not comply with all requirements of Subsection C. (Requirements for contents of 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 are appealable to the Coastal Commission in compliance with Subsection 35.102.060.D. (Decisions appealed to the Coastal Commission).

…

CHAPTER 35.102 APPEALS

35.102.030 *- Appeals to the Zoning Administrator - shall be modified as follows:*

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, conditionally approve, or deny an application for a Coastal Development Permit for a temporary use or Land Use Permit for a temporary use in compliance with Section 35.42.260 (Temporary Uses and Trailers) may be appealed to the Zoning Administrator.

B. Hearing required. The Zoning Administrator shall hold a hearing on the appeal ~~no later than 12 hours prior to the time the event is scheduled to commence~~.

1. Inland area. If the temporary use is proposed for property located solely within the Inland area, The Zoning Administrator shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence.

C. Notice required.

1. Coastal Zone. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

2. Inland area. Notice of the date, time and location of the hearing shall be ~~provided~~ mailed to the applicant, the appellant, if different than the applicant and any interested person who has filed a written request for notice with the Department.

D. Action on appeal.

1. Coastal Zone. 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.

2. Inland area. The Zoning Administrator 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 Zoning Administrator is final and not subject to appeal.

3. Required findings. Prior to acting on an appeal where the action will result in the approval or conditional approval of the application that is the subject of the appeal, the Zoning Administrator shall first make all of the applicable findings required for that application.

CHAPTER 35.102 APPEALS

35.102.040 *- Appeals to the Commission - shall be modified as follows:*

A. Decisions appealed to the Commission. The following decisions may be appealed to the Commission provided the appeal complies with the requirements of Subsections 35.102.020.C through Subsection 35.102.020.E above.

1. Board of Architectural Review decisions. The following decisions of the Board of Architectural Review may be appealed to the 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 35.102.020.C.2.c (Appeals of final decisions of the Board of Architectural Review).

2. Building Official decisions (Inland area). The following decisions of the Building Official may be appealed to the Commission.

a. The decision of the Building Official to require an applicant for a solar energy system to apply for a Solar Use Permit. The grounds for an appeal of a decision to require a Solar Use Permit are restricted to a demonstration that the solar energy system would not have a specific, adverse impact upon the public health and safety.

b. Any decision of the Building Official to approve, conditionally approved, or deny an application for a Solar Use Permit.

~~2~~3. Director decisions. The following decisions of the Director may be appealed to the 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 35.42.260 (Temporary Uses and Trailers) not including Subsection 35.42.260.G (Trailer Use).

e. Any decision of the Director to revoke an issued Zoning Clearance.

f. Any decision of the Director to approve, conditionally approve~~d~~, or deny an application for a Development Plan.

g. Any decision of the Director to approve, conditionally approve~~d~~, 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.

~~3~~4. Zoning Administrator decisions. The following decisions of the Zoning Administrator may be appealed to the Commission:

a. Any decision of the Zoning Administrator to approve, conditionally approve, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Overall Sign Plan, Sign Modification, Variance, or other discretionary application where the Zoning Administrator is the applicable review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

b. Any other action, decision, or determination made by the Zoning Administrator as authorized by this Development Code where the Zoning Administrator is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

…

D. Action on appeal. The Commission shall affirm, reverse, or modify the decision of the Board of Architectural Review, Director, or Zoning Administrator. Prior to acting on an appeal where the action will result in the approval or conditional approval of the application that is the subject of the appeal, the Commission shall first make all of the applicable findings required for that application.

…

1. Decision on the appeal of Solar Use Permits (Inland area). The action of the Commission, and the action of any subsequent County review authority, shall not have the effect of denying the application to install the solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

a. Any conditions imposed by the Commission on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

CHAPTER 35.102 APPEALS

35.102.050 *- Appeals to the Board - shall be modified as follows:*

A. Decisions appealed to the Board. The following decisions of the Commission may be appealed to the Board provided the appeal complies with the requirements of Subsection 35.102.020.C through Subsection 35.102.020.E. above.

1. Any final action on decisions that are appealed to the Commission in compliance with Section 35.102.040 (Appeals to the Commission) above.

2. Any final action on decisions of the Commission to approve, conditionally approve, 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 Commission is the designated review authority.

3. Any other action, decision, or determination made by the Commission as authorized by this Development Code where the 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 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 Commission. The decision of the Board shall be final.

1. Required findings. Prior to acting on an appeal where the action will result in the approval or conditional approval of the application that is the subject of the appeal, the Board shall first make all of the applicable findings required for that application.

CHAPTER 35.102 APPEALS

35.102.060 *- Appeals to the Coastal Commission - shall be modified as follows:*

A. Coastal Commission jurisdiction. For developments which are defined as appealable development in compliance with State law (Public Resources Code Section 30603), ~~an~~ a final action by the County on an application for a Coastal Development Permit 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~~ an 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 made in writing and ~~filed with~~ and received by the appropriate Coastal Commission district office by the deadline listed within Subsection A., above.

C. Exhaustion of local appeals. An appeal filed in compliance with this Section may not be filed with the Coastal Commission by ~~the~~ an applicant or an aggrieved person until all local appeals on the project permit have been exhausted.

1. Exhaustion of local appeals not required. The exhaustion of local appeals shall not be required where a project is appealed by any two members of the Coastal Commission 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 were not in compliance with Chapter 35.106 (Noticing and Public Hearings).

d. The local government jurisdiction charges an appeal fee for the filing or processing of appeals.

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.

2. Developments approved by the County ~~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~~3. Developments approved by the County not included within Subsection D.1 or Subsection D.2, above that are located on public trust lands, submerged lands, tidelands, within 100 feet of any estuary, stream, or 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~~4. Any development approved by the County that is not designated as the principal permitted use under this Development Code. This includes ~~Developments~~ development approved by the County that requires a Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor 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 35.42.230 (Residential Second Units).~~

~~7~~6. 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~~ facility that meets the definition in California Code of Regulations, Title 14, Section 13012(b).

E. Grounds for appeal.

~~1.~~ The grounds for an ~~of~~ appeal of the decision of the Director, Zoning Administrator, Commission, or Board to the Coastal Commission for any development appealable under Subsection D.~~1~~ above, shall be limited to ~~one or more of the following~~ 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 D.6 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.

~~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.~~

4. Clarification for Removing Follow-Up CDPs In Support of LCPA 2-06

35.21.030.C *- Agricultural Zones Allowable Land Uses - shall be modified as follows:*

C. Development Plan approval required. The approval of a Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

…

35.22.030.C *- Resource Protection Zones Allowable Land Uses - shall be modified as follows:*

C. Development Plan approval required.

1. MT-GOL, MT-TORO, MT-TORO (CZ) and RMZ (CZ) zones. The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

2. RMZ Inland area. The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading.

35.23.030.C *- Residential Zones Allowable Land Uses - shall be modified as follows:*

C. Development Plan approval required. ~~Development Plan approval is required in compliance with Section 35.82.080 (Development Plans) prior to the approval of a Coastal Development Permit or Land Use Permit as follows:~~

1. RR, R-1/E-1, EX-1 and R-2 zones. The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

2. **DR zone.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for all development within the DR zone, including grading, except that the following do not require Development Plan approval. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

a. **Coastal Zone and Inland area.** Within the Coastal Zone and Inland area, one, one-family dwelling and residential accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).

b. **Inland area.** Within the Inland area, orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.

3. **MHP, MHS and SLP zones.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for all development, including grading within the MHP, MHS, and SLP zones. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

4. **PRD zone.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for all development, including grading, within the PRD zone, except that orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto do not require a Development Plan; but shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.050 (Residential Zones Development Standards). The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

5. **SR-M and SR-H zones.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for all development, including grading within the SR-M and SR-H zones, except that the development of a one-family dwelling or a duplex does not require a Development Plan. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

35.24.030.C *- Commercial Zones Allowable Land Uses - shall be modified as follows:*

C. **Development Plan approval required.** ~~Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows.~~

1. **CN and C-1 zones.** The approval of a Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

2. **C-2 and C-3 zones.** The approval of a Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a

Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or more. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

3. **C-S, C-V, SC, and PI zones.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

4. **CH zone.** The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading, except as provided below. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application). ~~that in~~

a. Coastal Zone. Within the Coastal Zone a Final Development Plan is not required for the following, provided that all other requirements of the CH zone are complied with:

~~a~~(1). Additions to uses or structures on property developed as of February 1, l963; and

~~b~~(2). Development on a legal lot of less than 20,000 square feet of net land area created on or before February 1, l963.

35.25.030.D and E*- Industrial Zones Allowable Land Uses - shall be modified as follows:*

…

~~D~~C. Development Plan approval required.

1. **M-RP, M-1, M-2 zones.** Within the M-RP, M-1, or M-2 zones, the approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading.~~, prior to any development, including grading, except~~ except as provided below. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

a. Inland area. W~~w~~ithin the M-1 and M-2 zones,

(1) The approval of a Final Development Plan is not required for agricultural uses as permitted on an adjacent lot zoned agricultural or residential.

~~a~~(2) The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required for a structure that is accessory to a permitted agricultural use, other than an agricultural reservoir, and 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.

2. **M-CR, M-CD zones.** Within the M-CR and M-CD zones, the approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance for ~~is required~~ for a structure, other than an agricultural reservoir, 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. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

~~E~~D. Design Review required.

1. 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 the M-RP, M-1, and M-2 zones, in compliance with Section 35.82.070 (Design Review).

2. Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in the MC-D and MC-R (Coastal and Inland) zones, in compliance with Section 35.82.070 (Design Review).

35.26.030.C *- Special Purpose Zones Allowable Land Uses - shall be modified as follows:*

C. Development Plan approval required. ~~Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:~~

1. MU, PU, and REC zones. Within the MU, PU, and REC zones, the approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for ~~prior to~~ any development, including grading. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

2. OT zones.

a. OT-R/LC and OT-GC. The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.

b. OT-R. The approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.

c. Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone. If a lot is subject to Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone), then the development plan requirements of Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone) shall apply instead of Subsections 2.a. and 2.b., above.

3. TC zone. Within the TC zone, the approval of a Final Development Plan ~~approval~~ in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit and prior to the approval of a Land Use Permit or Zoning Clearance for any development, including grading ~~prior to any development, including grading~~, except as ~~listed~~ provided below. The Coastal Development Permit shall be processed concurrently and in conjunction with the Final Development Plan in compliance with Section 35.82.080.C (Contents of Application).

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.

***35.28.030.D** – Affordable Housing Overlay - shall be modified as follows:*

D. Permit and processing requirements.

1. Final Development Plan required. Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit ~~or~~ and prior to the approval of a Land Use Permit or Zoning Clearance 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.

...

***35.82.210.B** - Zoning Clearance - shall be modified as follows:*

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 35.20.040 (Exemptions from Planning Permit Requirements).

a. Coastal Zone. Within the Coastal Zone, Zoning Clearances shall not take the place of a required Coastal Development Permit.

2. Zoning Clearance approval.

a. Coastal Zone. Within the Coastal Zone, the issuance of a Zoning Clearance certifies that the land use or development will satisfy:

(1) All prior-to-issuance provisions of the Coastal Development Permit.

(2) All 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).

b. Inland area. Within the Inland area, ~~T~~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.

5. Noticing (LCPA 2-06 and Clarifications)

CHAPTER 35.106 NOTICING AND PUBLIC HEARINGS

***35.106.020** - Notice of Public Hearing and Review Authority Action - shall be modified as follows:*

~~**A. Minimum requirements.** Except for decisions on Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, applications for Design Review (see Subsection~~

~~35.106.030.A Sections 35.106.050 and 35.106.060 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 decision and the following minimum requirements. Each notice shall comply with the following minimum requirements.~~

A. Minimum noticing requirements for projects that require a public hearing or a discretionary notice of review authority action. Except for applications for Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, and Design Review (see Subsection 35.106.030, Sections 35.106.050 and 35.106.060 below, for respective noticing requirements), 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, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) or Subsection 35.82.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

1. By the Department. Notice shall be given by the Department in compliance with the following:

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 days before the scheduled hearing or action by the review authority.

~~2.~~ b. Mailed notice. ~~Notice shall be mailed at least 10 days before the scheduled hearing or action to:~~

(1) Notice of filing of an application. Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:

~~a.~~ (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.

~~b.~~ (b) The applicant.

~~c.~~ (c) The owner of the subject lot, if different from the applicant;

~~d.~~ (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.~~ (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 35.44 (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.~~ (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 35.44.010 (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.~~ (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 35.44.010 (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.~~

(h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.

(2) Notice of public hearing or review authority action. Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.

~~**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.**~~ **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 Chapter is greater than 1,000, the County may instead provide notice required by Subsections A.1.a and A.1.b.(2) above 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.

d. Optional notice authorized by the Director. In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.(1) and A.1.b.(2), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

(1) The notice shall be published in compliance with the requirements for mailing of notice contained in Subsection A.1.b.(1) or Subsection A.1.b.(2), above, as applicable.

(2) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.b.(1) or Subsection A.1.b.(2), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.

~~**C.**~~ **e. Contents of notice.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

f. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. Posted notice.

(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 street. If the subject lot is a through lot, then the applicant shall

conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

(2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

(a) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

(b) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plan required solely in compliance with Section 35.21.030.C., Section 35.22.030.C.1., Section 35.23.030.C.1., and Section 35.25.030.D.1.a.

(c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).

(3) Said notice shall be posted by the applicant:

(a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

(b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

(4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.

(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 Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

35.106.030 *- Coastal Development Permits and Land Use Permits within the Coastal Zone - shall be modified as follows:*

~~**1. Minimum requirements.** Notice of the application and pending action on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35.102 (Appeals) and Land Use Permits that do follow a previous discretionary action shall be given in compliance with the following.~~

A. Minimum noticing requirements, permits that do not require a public hearing ~~or notice of review authority action.~~. Notice of the application and pending action on a Coastal Development Permit processed in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals) and is not processed in conjunction with a Conditional Use Permit, Minor 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. **Mailed notice.** Mailed notice shall be provided to:

(1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(2) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.

(3) All residents of property 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 35.44.010.C.1.

(4) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

(5) The Coastal Commission.

~~a~~**b.** **Posted notice.** 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 ~~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~~ and:

(1) If the application is subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review-including conceptual review, or;

(2) If the application is not subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least ~~Seven~~ 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 35.82.070 (Design Review) is not required~~.

d. The posted notice shall be required to be continuously posted ~~for a minimum of 17 days~~ from the date required by Subsection A.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.

e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

f. **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.(1) and A.1.b.(2), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

(1) The notice shall be published in compliance with the requirements for mailing of notice contained in Subsection A.1.b.(1) or Subsection A.1.b.(2), above, as applicable.

(2) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.b.(1) or Subsection A.1.b.(2), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.

f. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

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 35.82.070 (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 35.42.230 (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 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;~~

~~(7) Large Family Day Care Homes and additions thereto, allowed in compliance with Section 35.42.090 (Community Care Facilities);~~

~~(8) Non-residential Child Care Centers and additions thereto, allowed in compliance with Section 35.42.090 (Community Care Facilities);~~

~~(9) Commercial telecommunication facilities, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities); and~~

~~(10) Noncommercial telecommunication facilities allowed in compliance with Section 35.44.020 (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 35.44.010.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.~~

a. **Posted notice.** 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 street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

~~F~~(2) 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 35.106.080 (Contents of Notice) below.~~ The notice shall be a minimum of 18 inches tall by 24 inches wide.

~~G~~(3) 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~~ and:

(~~1~~a) If the application is subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;

(~~2~~b) If the application is not subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least ~~Seven~~ 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 35.82.070 (Design Review) is not required~~.

~~H~~(4). The notice shall be required to be continuously posted ~~for a minimum of 17 days~~ from the date required by Subsection A.2.~~g~~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.

~~I~~(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 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~~ prior to the action of the Director to issue 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.** **Mailed notice.** Mailed notice shall be provided to:~~

~~(1) All owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~

~~(2) All parties that received notice of the previous discretionary action.~~

~~(3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.~~

a**b.** **Posted notice.** 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 and:

(1) If the application is subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;

(2) If the application is not subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 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 B.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.

e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

f. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

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**a.** **Posted notice.** 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. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street. 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 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(1) 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 35.106.080 (Contents of Notice) below. The notice shall be a minimum of 18 inches tall by 24 inches wide.

F(2) 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:

(a) If the application is subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;

(b) If the application is not subject to Design Review in compliance with Section 35.82.07010 (Design Review), at least 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 35.82.070 (Design Review) is not required.~~

~~G(3) The notice shall be required to be continuously posted from the date required by Subsection B.2.f.c 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(4) 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 prior to the action of the Director to issue 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 35.106.080 (Contents of Notice) below.~~

CHAPTER 35.106 NOTICING AND PUBLIC HEARINGS

35.106.040 *- Notice of Final Action Appealable to the Coastal Commission shall be modified as follows:*

A. Provision of notice. For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35.102 (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. An action shall be considered final only after exhaustion of County appeal procedures.

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.~~ following:

1. The applicable review authority.
2. The date of final action.
3. The status of any appeals.
4. The conditions of approval of the Coastal Development Permit.
5. The findings of the Coastal Development Permit.
6. The procedure for appeal of the County's final action to the Coastal Commission.

CHAPTER 35.106 NOTICING AND PUBLIC HEARINGS

35.106.060 *- Design Review - shall be modified as follows:*

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. **Mailed notice.** Mailed notice shall be provided to:

(1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(a) Within the Toro Canyon Plan Area mailed notice of applications for Design

Review shall be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.

(2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

(3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.

b. **Posted notice.** 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~~ 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 or posted less than~~ and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.

d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c above, until at least 10 days following final action by the Board of Architectural Review.

e. ~~Notice shall also be given in compliance with the requirements of:~~ The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

~~(1) Bylaws of the Central, North and South Boards of Architectural Review as approved by the Board.~~

~~(2) Architectural guidelines that have been adopted by the Board for specific regional areas.~~

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 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone) and Section 35.106.050 (Land Use Permits - Inland Area) above~~ Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action), notice shall be given in compliance with the following:

a. **Posted notice.** ~~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. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

~~(1) Within the Toro Canyon Plan Area mailed notice of applications for Design Review shall be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.~~

~~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~~(1) 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 35.106.080 (Contents of Notice) below.~~ The notice shall be a minimum of 18 inches tall by 24 inches wide.

~~D~~(2) 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~~ and at least 10 days before the ~~scheduled date of the~~ initial review by the Board of Architectural Review, including conceptual review.

~~E~~(3) The notice shall be required to be continuously posted from the date required by Subsection A.2.~~d~~c above, until at least 10 days following ~~the final~~ an action by the Board of Architectural Review to grant final approval.

~~F~~(4) 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 Board of Architectural Review, including conceptual 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~~ postponement of the review by the Board of Architectural Review.

35.106.080 *– Contents of Notice- shall be modified as follows:*

A. Notice for all projects. The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant:

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 not including notices that are required to be posted by the applicant.

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 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.
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 35.44 (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 35.106.110 (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 not including notices that are required to be posted by the applicant.

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 35.82.070 (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 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 Board of Architectural Review if applicable, or action of 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. However, for Land Use Permits, in the Coastal Zone ~~, excluding permits~~ that follow a previous discretionary approval, no public comment period is applicable.

35.106.110.B *- Hearing Procedure - shall be modified as follows:*

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.~~ If a public hearing on a project is continued by the local government to a time which is neither (1) previously stated in the notice nor (b) announced at a hearing as being continued to a date, time, and place to which the hearing will be continued, notice of the further hearing(s) shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action), above.

6. Design Review (LCPA 1-05-A)

35.82.070 *- Design Review - shall be modified as follows:*

…

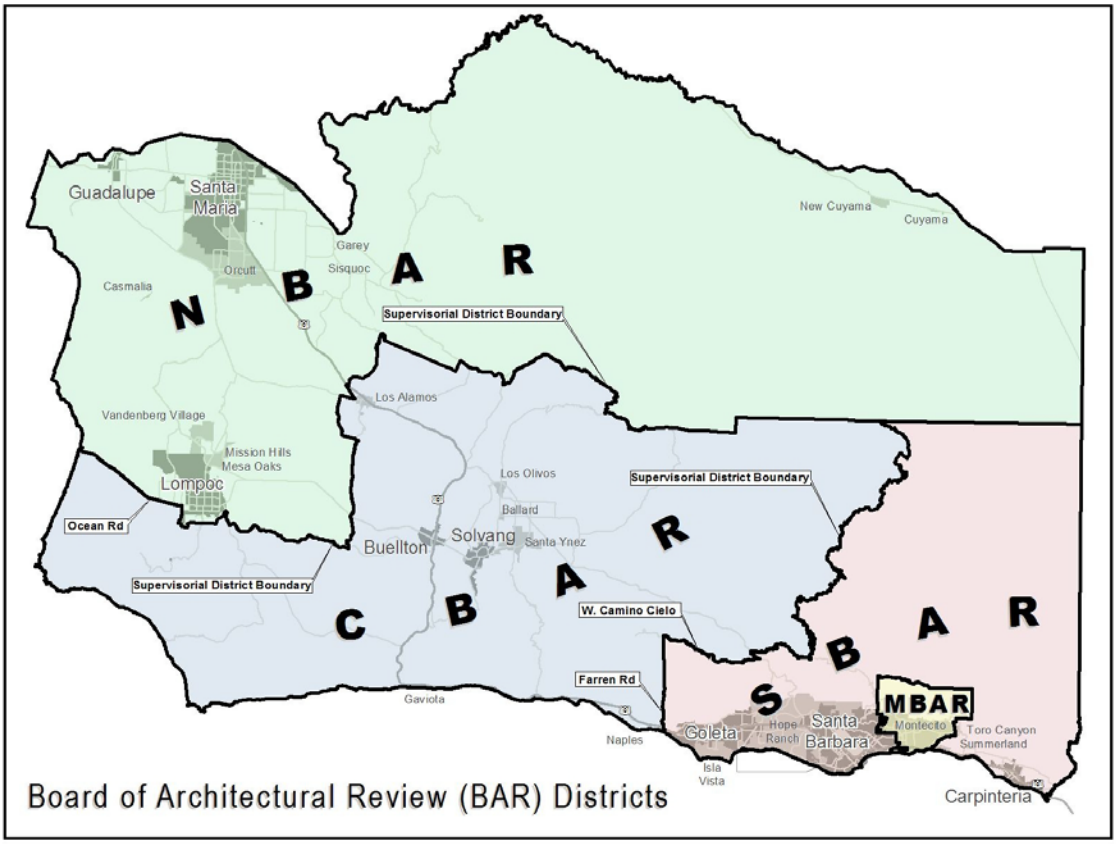
B. Applicability.

1. Board of Architectural Review. The Board of Architectural Review shall ~~be interpreted to~~ mean the Central County Board of Architectural Review, ~~the Montecito Board of Architectural Review,~~ the North County Board of Architectural Review, and the South County Board of Architectural Review, ~~as these~~ whichever has jurisdiction, depending on the location of the project site.

a. Within the Coastal Zone, the geographic boundaries of said boards are as depicted in the original map which is located in the files of the Clerk of the Board and illustratively shown below in Figure 8-1 (Regional Board of Architectural Review Jurisdictional Areas).

b. Within the Inland area, the Boards of Architectural Review are established and identified in Article V of Chapter 2 of the County Code. The applicable Board of Architectural Review shall govern the provisions of this Section within their respective jurisdictional areas as established by Article V of Chapter 2 of the County Code.

Figure 8-1 - Regional Board of Architectural Review Jurisdictional Boundaries



…

C. Exceptions to Design Review requirements. Design review approval shall not be required for the following**:**

2. Special Provisions for projects in 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 Design Review <u>by the North County Board of Architectural Review</u> 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. <u>This exemption is only applicable to review by the North County Board of Architectural Review and does not eliminate the project from any other applicable discretionary review, including Coastal Development Permits.</u>

…

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, one-family dwellings shall be reviewed by the North County Board of Architectural Review <u>at</u> no more than three ~~times~~ <u>separate hearings on three separate dates</u> 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 ~~are~~ 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 review authority <u>of the planning permit</u> without a recommendation by the North County Board of Architectural Review.

...

7. Application Contents

CHAPTER 35.80 – PERMIT APPLICATION FILING AND PROCESSING
35.80.030 *- Application Preparation and Filing - shall be modified as follows:*

A. Application contents.

1. 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. At a minimum the application shall include all information and materials necessary for the review authority to make an informed decision regarding the consistency of the application with the Comprehensive Plan, the Local Coastal Program, and the regulations of this Development Code.

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

3. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Development Code.

8. Applicability, Interpretation and Conflicts

35.10.010 *- Purpose of Development Code - shall be modified to add Subsection F as follows:*

F. Within the Coastal Zone, it is also the purpose of this Development Code 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.

35.10.020.C *- Authority, Relationship to Comprehensive Plan and Local Coastal Program - shall be modified as follows:*

C. Local Coastal Program ~~provisions~~. The County's Local Coastal Program (LCP) is comprised of a certified Land Use Plan (LUP) component and a certified Implementation Plan (IP) component in compliance with the California Coastal Act. The County's certified LUP is comprised of the Comprehensive Plan, which includes the Coastal Land Use Plan as well as the policies of the Community Plans and Area Plans in the Coastal Zone. The Implementation Plan carries out the

provisions of the certified Land Use Plan. The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with the certified language in Chapter 9A (Brush Removal Southeasterly Coastal Area and Coastal Zone), ~~and~~ the certified language in Chapter 14 (Grading), the implementation provisions within applicable Community Plans and Area Plans, and the County's certified Zoning Map, the County's ~~ordinances for the~~ ~~i~~Implementation Plan ~~of the Local Coastal Program, in compliance with the California Coastal Act~~.

35.10.040 *- Applicability of the Development Code - shall be modified as follows:*

…

C. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when the land use was lawfully established either prior to or in compliance with this Development Code and when operated and maintained in compliance with all applicable provisions of this Development Code, including Chapter 35.101 (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 35.101 (Nonconforming Uses, Structures, and Lots).

…

E. **Incorporation of existing ordinances and development plans, Inland area**. 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. Ordinance No. 661, Article IV.

c. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.

d. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article III of Chapter 35 of the County Code.

2. **Development Plans.**

a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 661.

b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.

c. Development Plans and 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.

e. Development Plans previously adopted in compliance with Article III of Chapter 35 of the County Code.

F. **Incorporation of existing ordinances and development plans, Coastal Zone**. 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, apply as provisions of this Land Use Development Code, and shall have the same force and effect as if the provisions of said sections were specifically and fully set out in this Section. Additionally, 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.

~~F~~G. 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.~~ if there is a conflict between a provision of the LCP and a provision of the Comprehensive Plan, or any other County-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision. Within the Coastal Zone, protection of environmentally sensitive habitat areas (ESH) and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence.

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. In the Coastal Zone, a Development Agreement may require an LCP Amendment in compliance with Chapter 35.86 (Development Agreements) and Chapter 35.104 (Amendments).

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~~H. State, County, Local Agency, and School District sites and facilities.

…

2. Coastal Zone. Any person (including the State or County or any agency thereof, any utility, any special district, or any other local government agency) 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 Development Code, except for~~. Within the unincorporated areas of the County within the Coastal Zone, the provisions of this Development Code do not apply to~~ development on the following governmental properties and the following 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 Section1453, Federal Coastal Zone Management Act of 1972). Irrespective of the applicability of this Development Code to development in such areas, development on these lands may require other permits or authorizations in compliance with applicable laws. Notably, development may require a review and approval or other determination by the California Coastal Commission or successor agency.

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.

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 Section1453, Federal Coastal Zone Management Act of 1972). Irrespective of the applicability of this Development Code to development in such areas, development on these lands may require other permits or

authorizations in compliance with applicable laws. Notably, development may require a review and approval or other determination by the California Coastal Commission or successor agency.

~~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.~~

Renumber Remainder of Subsection due to addition of new Subsection "F" above.

35.12.030.E *- Rules of Interpretation - shall be modified as follows:*

E. State law requirements. In the Inland area, w~~W~~here 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. In the Coastal Zone, where provisions of State law (e.g., the California Government Code, Coastal Act, Subdivision Map Act, or Public Resources Code) are amended in such a way that they are inconsistent with the LCP, such changes require an LCP amendment in compliance with Chapter 35.104 (Amendments).

35.14.020.B *- Zoning Map and Zones - shall be modified as follows:*

B. Inclusion by reference. The existing zone boundaries have been previously 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.

1. In the Coastal Zone, the following certified zoning maps and zoning overlay maps, which zone the unincorporated area of the County lying within the Coastal Zone, are hereby specifically included by reference into this Section:

   a. Carpinteria Valley Coastal Plan: Zoning Overlay. *(Adopted by Ord. 4339, 10/27/98).*

   b. Channel Islands Coastal Plan: Zoning.

   c. Gaviota Coast Rural Region Zoning *(Adopted by Ord. 4339, 10/27/98).*

   d. Gaviota Coast Coastal Plan: Zoning Overlay *(Adopted by Ord. 4339, 10/27/98).*

   e. Goleta Community Plan Zoning Southern Section *(Adopted by Ord. 4112, 7/20/93).*

   f. Goleta Community Plan Zoning Overlay *(Adopted by Ord. 4112, 7/20/93).*

   g. Goleta Community Plan Area - Southern Section Environmentally Sensitive Habitats and Riparian Corridor Protection Zoning Overlays *(Adopted by Ord. 4112, 7/20/93).*

   h. Guadalupe Dunes/Point Sal Coastal Plan: Zoning Overlay.

   i. Montecito Community Plan Zoning Southern Section *(Adopted by Ord. 4083, 12/15/92).*

   j. Montecito Community Plan Zoning Overlay *(Adopted by Ord. 4083, 12/15/92).*

   k. Montecito Community Plan Environmentally Sensitive Habitat Zoning Overlay *(Adopted by Ord. 4083, 12/15/92).*

   l. North Gaviota Coast Rural Region Zoning Districts *(Adopted by Ord. 4339, 10/27/98).*

   m. Lompoc Valley Rural Region Zoning *(Adopted by Ord. 4339, 10/27/98).*

   n. Point Conception Coastal Plan: Zoning Overlay. *(Adopted by Ord. 4339, 10/27/98).*

   o. Santa Barbara Area Zoning and Zoning Overlay *(Adopted by Ord. 4110, 7/20/93).*

   p. Santa Maria Valley Rural Region Zoning *(Adopted by Ord. 4339, 10/27/98*).

   q. South Coast Rural Region Zoning *(Adopted by Ord. 4339, 10/27/98).*

   r. Summerland Community Plan Zoning Districts *(Adopted by Ord. 4036, 5/19/92).*

s. Summerland Community Plan Zoning Overlay Districts *(Adopted by Ord. 4036, 5/19/92).*

t. Summerland Community Plan Environmentally Sensitive Habitat Zoning Overlay *(Adopted by Ord. 4036, 5/19/92).*

~~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)*~~

35.28.030.B *- Affordable Housing (AH) Overlay Zone - shall be modified as follows:*

B. Applicability.

1. …

2. 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 Sections 65915 and 65918~~) or successor statutes~~. The maximum density for a lot within the AH overlay shall be indicated on the Zoning Map.

Chapter 35.30 - Standards for All Development and Land Uses

35.30.020 *- Applicability - shall be modified as follows:*

The requirements of this Article shall apply to all proposed development and new land uses, except as specified in Chapter 35.101 (Nonconforming Uses, Structures, and Lots) and shall be considered in combination with the standards for the applicable zone in Article 35.2 (Zones and Allowable Land Uses) and those in Article 35.4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 35.4 (Standards for Specific Land Uses) shall control. Within the Coastal Zone, protection of environmentally sensitive habitat areas (ESH) and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence.

Chapter 35.42 - Standards for Specific Land Uses

***35.42.010.B** - Purpose and Applicability - shall be modified as follows:*

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.

…

3. **Development standards**. The standards for specific uses in this Chapter supplement and are required in addition to those in Article 35.2 (Zones and Allowable Land Uses) and Article 35.3 (Site Planning and Other Project Standards). In the event of any conflict between the requirements of this Chapter and those of Article 35.2 or Article 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~~ protection of environmentally sensitive habitat areas (ESH) and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence.

9. Allowed Land Uses and Permit Requirements Tables

The "Allowed Land Uses and Permit Requirements" Tables for all zones in Article 35.2 shall be modified as shown in Exhibit 4, Modifications to Allowed Land Use and Permit Requirements.

***35.20.020.B**- Prerequisites for Development and New Land Uses - shall be modified as follows:*

B. **Permit and approval requirements.** Any planning permit or other approval required by Section 35.20.030 (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~~ exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

***35.20.030.B** - Allowable Development and Planning Permit Requirements - shall be modified as follows:*

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 Chapters 35.21 through 35.26 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 in compliance with ~~(~~Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with ~~(~~Section 35.82.110 (Land Use Permits) as applicable.

(1) **Coastal Zone.** Within the Coastal Zone, permitted uses are shown in the tables as either "PP" which denotes a Principal Permitted Use or "P" which denotes a non-principal Permitted Use.

(a) An action by the review authority to approve or conditionally approve a permit application for a use other than a Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

(2) **Inland area.** Within the Inland area, permitted uses ~~These~~ are shown as "P" uses

in the tables~~;~~.

b. Allowed subject to the approval of a Minor Conditional Use Permit in compliance with ~~(~~Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and shown as "MCUP" uses in the tables~~;~~. Within the Coastal Zone, a Coastal Development Permit shall be processed concurrently and in conjunction with the Minor Conditional Use Permit in compliance with Section 35.82.060.C (Contents of Application).

c. Allowed subject to the approval of a Conditional Use Permit in compliance with ~~(~~Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and shown as "CUP" uses in the tables~~;~~. Within the Coastal Zone, a Coastal Development Permit shall be processed concurrently and in conjunction with the Conditional Use Permit in compliance with Section 35.82.060.C (Contents of Application).

d. Allowed as an exempt use as listed in Section 35.20.040 (Exemptions from Planning Permit Requirements) and shown as "E" uses in the tables~~;~~. The exempt use or structure is exempt only if it is in compliance with the requirements of Section 35.20.040 (Exemptions from Planning Permit Requirements).

e. Allowed subject to the type of County approval required by a specific provision of Chapter 35.42 (Standards for Specific Land Uses) and shown as "S" uses in the tables; and

f. Not allowed in particular zones and shown as "—" in the tables. Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.

g. 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, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

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 35.28 (Overlay Zones), or if allowed in compliance with Article 35.4 (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 35.82.070 (Design Review).

3. **Coastal Development Permit.** Proposed development and land uses within the Coastal Zone shall require the approval of a Coastal Development Permit by the County in compliance with Section 35.82.050 (Coastal Development Permits), unless the use or development is exempt in compliance with Section 35.20.040. ~~otherwise indicated in this Development Code or i~~If a development or use is located within the original permit jurisdiction of the Coastal Commission or within an area in the County's Coastal Zone in which the Local Coastal Program has not been certified by the Coastal Commission, application for a Coastal Development Permit shall be made directly to the California Coastal Commission, in which case a Land Use Permit is required following the issuance of a Coastal Development Permit by the Coastal Commission.

35.21.030.A *- Agricultural Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with

Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.22.020.C *- Purposes of the Resource Protection Zones - shall be modified as follows:*

…

The intent is to allow reasonable but limited 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, and within the Inland area only, grazing.

35.22.030.A *- Resource Protection Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) identifies the uses of land allowed by this Development Code in each Resource Protection Zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.23.030.A *- Residential Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for 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 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.24.030.A *- Commercial Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Tables 2-14, 2-15, and 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) identify 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 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.25.030.A *- Industrial Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) identifies the uses of land allowed by this Development Code in each industrial zone and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.26.030.A *- Special Purpose Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Tables 2-22 and 2-23 (Allowed Land Uses and Permit Requirements for 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 35.20.030 (Allowable Development and Planning Permit Requirements). Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), including development not specifically listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) such as subdivisions, lot line adjustments, and lot mergers.

1. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.26.030.F *- Special Purpose Zones Allowable Land Uses - shall be modified as follows:*

F. TC zone allowable land uses and permit requirements. The uses allowed as a principal~~ly~~ permitted use or as a permitted use in zones abutting a site in the TC zone (i.e., those shown as "PP" or "P" uses) are also allowed in the TC zone with Conditional Use Permit approval in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) in addition to the land uses listed in Table 2-23 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) as permitted or conditionally permitted within the TC zone.

35.28.020.B *- Applicability of Overlay Zones - shall be modified as follows:*

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 a 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.
4. Development and land uses within an overlay zone shall comply with all applicable requirements of this Development Code, the Comprehensive Plan, and the Local Coastal Program

35.42.060.B *- Animal Keeping - shall be modified as follows:*

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.
   - **a. Coastal Zone.** Within the Coastal Zone, confined animal facilities require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) unless otherwise exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
     - (1) Confined animal facilities that are incidental, appropriate and subordinate to animal keeping designated as a Principal Permitted Use are also considered a Principal Permitted Use.
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 4-8 identify 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.

1. Coastal Zone. Zone symbols in the "Permit Required by Zone" columns that include "CZ" after the zone symbol only apply within the Coastal Zone unless indicated otherwise.

2. Inland area. Zone symbols in the "Permit Required by Zone" columns that do not include "CZ" after the zone symbol only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

35.42.090 *- Community Care Facilities - shall be modified as follows:*

C. Child care centers.

…

f. The review of non residential child care centers in compliance with this Section, when allowed by a Coastal Development or Land Use Permit, shall be a ministerial action exempt from the requirements of the California Environmental Quality Act unless the approval is subject to~~ approval of~~ an appealable Coastal Development Permit in compliance with Section 35.102 (Appeals). ~~within a Geographic Appeals Area within the Coastal Zone.~~

…

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.

…

2. Special care homes serving six or fewer clients.

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 an appealable Coastal Development Permit in compliance with Section 35.102 (Appeals). ~~within a Geographic Appeals Area within the Coastal Zone~~.

…

35.82.190.A *- Use Determinations - shall be modified as follows:*

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 a principal permitted use or other 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 in Tables 2-1, 2-4, 2-7 through 2-9, 2-14 through 2-16, 2-20, 2-22 and 2-23 in which the "Permit Requirement" is ~~denoted~~ designated with a "PP" or "P".

35.82.200 *– Variances*

…

D. Processing.

1. In the Inland area, 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. In the Inland area, the Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.

3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.

4. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

5. The Zoning Administrator, 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.

6. The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

7. The issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is required prior to the commencement of any development allowed by the Variance unless such development is exempt from planning permits in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

   a. 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.

10. Accessory Structures and Uses

35.21.030 *- Agricultural Zones Allowable Land Uses - shall be modified as follows:*

A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

…

E. **Accessory structures and uses.** Each use allowed by Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) may include accessory structures and uses that are customarily incidental to the primary use.

1. **Accessory To A Principal Permitted Use within the Coastal Zone.** Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use (PP), in compliance with the following:

a. **Accessory to the principal permitted primary agricultural use.** For the purpose of determining whether an accessory development subordinate to the principal permitted primary agricultural use can be processed as a component of the Principal Permitted Use, agricultural accessory development shall be interpreted as defined in Section 35.110.020 (Definitions of Specialized Terms and Phrases) under the term "Accessory Agricultural Structure."

b. **Accessory to the principal permitted primary residential use.** Except as provided in Subsection E.1.c., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a residence , and does not change the character of the residential use, may be permitted as a component of the Principal Permitted

residential use.

c. **Accessory structures and uses listed separately.** Where an accessory structure or use is listed separately in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

F. Principal permitted dwellings (Coastal Zone).

1. In the Coastal Zone, the primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:

   a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.

   b. The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.

   c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.

   d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.

2. Before issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) for a primary dwelling as a Principal Permitted Use (PP), a Notice to Property Owner prepared by the Department shall be recorded by the property owner in the County public records. The Notice to Property Owner shall specify, at a minimum, that the compliance with these standards is required is order for the primary dwelling to be occupied.

3. If compliance with these standards cannot be demonstrated then primary dwelling may be permitted as a non-principal permitted use and the decision of the review authority to approve or conditionally the application for the accessory use or structure may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

***35.22.030** – Resource Protection Zones - shall be modified as follows:*

A. General permit requirements. Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) identifies the uses of land allowed by this Development Code in each Resource Protection Zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

…

E. Accessory structures and uses. Each use allowed by Table 2-4 (Allowed Land Uses and Permit Requirements for the Resource Protection Zones) may include accessory structures and uses that are customarily incidental to the primary use.

1. Accessory to a Principal Permitted Use within the Coastal Zone. Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

a. Accessory to the principal permitted primary residential use. Except as provided in Subsection E.1.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use, may be permitted as a component of the Principal Permitted residential use.

b. Accessory structures and uses listed separately. Where an accessory structure or use is listed separately in Table 2-4 (Allowed Land Uses and Permit Requirements for the Resource Protection Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

F. Principal permitted dwellings (Coastal Zone).

1. In the Coastal Zone, the primary dwelling on the lot may be considered as a Principal Permitted Use (PP) when in compliance with the following standards:

   a. The principal dwelling and all accessory structures and landscaping associated with the principal dwelling shall occupy a development area of no more than 10,000 square feet.

   b. The development area shall not occupy slopes of 30 percent or greater.

2. If compliance with these standards cannot be demonstrated then principal dwelling may be permitted as a non-principal permitted use and the decision of the review authority to approve or conditionally the application for the accessory use or structure may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

35.23.030 *- Residential Zones Allowable Land Uses - shall be modified as follows:*

A. General permit requirements. Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for 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 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

…

E. Accessory structures and uses. Each use allowed by Tables 2-7, 2-8, and 2-9 (Allowed Land uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use.

1. **Requirements for all accessory structures and uses.** All accessory structures and uses shall comply with the following: ~~provided that the accessory structures or uses are~~

   ~~1~~a. Within the R-1/E-1, EX-1, MR-O, R-2, DR, SLP, SR-M and SR-H zones, accessory structures and uses ~~when~~ that are accessory to dwellings shall be restricted to those that are for the exclusive use of the residents of the site and their guests and shall ~~do~~ not involve a commercial enterprise on the site.~~; and~~

   ~~2~~b. The accessory structures or uses are In compliance with all applicable requirements of this Development Code, including standards for specific ~~uses and~~ structures and uses in Chapter 35.42 (Standards for Specific Land Uses).

2. **Accessory to a Principal Permitted Use within the Coastal Zone.** Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

a. Accessory to the principal permitted primary residential use. Except as provided in Subsection E.2.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use, may be permitted as a component of the Principal Permitted residential use.

b. Accessory structures and uses listed separately. Where an accessory structure or use is listed separately in Table 2-7, 2-8 and 2-9 (Allowed Land Uses and Permit Requirements for the Residential Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

35.24.030 *- Commercial Zones Allowable Land Uses - shall be modified as follows:*

A. General permit requirements. Tables 2-14, 2-15, and 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) identify 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 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

…

E. Accessory ~~uses and~~ structures and uses. Each use ~~nonresidential~~ allowed by Tables 2-14, 2-15, and 2-16 (Allowed Land uses and Permit Requirements for Commercial Zones) may include accessory ~~uses and~~ structures and uses that are customarily incidental to the primary use.~~,~~ ~~provided that:~~

1. Requirements for all accessory structures and uses located within the C-1, C-2, C-3, C-3, and PI (Coastal Zone) zones. Within the C-1, C-2, C-3, C-3, and PI (Coastal Zone) zones, accessory structures and uses shall comply with the following:
~~**Within the C-1, C-2, C-3, and C-S zones:**~~

a. C-1, C-2, C-3, and C-S zones. ~~Within the C-1, C-2, C-3, and C-S zones t~~

(1) There shall be no manufacture, assembly, processing, or compounding of products other than as is customarily incidental or essential to the allowed use.

(~~1~~a) Within the Coastal Zone, there shall be no more than five persons engaged in the manufacture, assembly, processing, or compounding of products.

~~b.~~(2) The operations shall ~~are~~ not be 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.

~~2~~b. Within the PI zone (Coastal Zone). The accessory structure or use shall be subordinate to the allowed use.

2. **Accessory to a Principal Permitted Use within the Coastal Zone.** Accessory ~~uses and~~ structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

a. Accessory to the principal permitted commercial use. Except as provided in Subsection E.2.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a commercial use, and does not change the character of the commercial use, may be permitted as a component of the Principal Permitted commercial use.

b. Accessory structures and uses listed separately. Where an accessory structure or use is listed separately in Table 2-14, 2-15 and 2-16 (Allowed Land Uses and Permit Requirements for the Commercial Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

35.25.030 *- Industrial Zones Allowable Land Uses - shall be modified as follows:*

A. General permit requirements. Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) identifies the uses of land allowed by this Development Code in each industrial zone and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

…

~~C~~E. Accessory ~~uses and~~ structures and uses. Each ~~A~~ use allowed by Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) may include accessory ~~uses and~~ structures or uses that are customarily incidental to the primary use~~as follows~~.

1. Requirements for all accessory structures and uses. All accessory structures and uses shall comply with the following:

~~1~~a. M-1 and M-2 zones. Accessory structures and uses customarily incidental to a permitted use~~, not including~~ may be allowed provided there are no retail sales by a manufacturing enterprise.

~~2~~b. M-CD, M-CR, M-RP zones. Accessory structures and uses customarily incidental to a permitted use may be allowed..

2. **Accessory to a Principal Permitted Use within the Coastal Zone.** Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

a. Accessory to the principal permitted industrial use. Except as provided in Subsection E.2.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a industrial use, and does not change the character of the industrial use, may be permitted as a component of the Principal Permitted industrial use.

b. Accessory structures and uses listed separately. Where an accessory structure or use is listed separately in Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

35.26.030 *- Special Purpose Zones Allowable Land Uses - shall be modified as follows:*

A. General permit requirements. Tables 2-22 and 2-23 (Allowed Land Uses and Permit Requirements for 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 35.20.030 (Allowable Development and Planning Permit Requirements).

1. A use may be exempt from the requirement to obtain a planning permit when in compliance with 35.20.040 (Exemptions from Planning Permit Requirements).

D. Accessory ~~uses and~~ structures and uses. Each use allowed by Tables 2-22, and 2-23 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) may include accessory ~~uses and~~ structures and uses that are customarily incidental to the primary use.~~provided that~~

1. Requirements for all accessory structures and uses. Accessory structures and uses shall comply with the following:

~~1~~a. Within the MU zone there shall be no manufacture, assembly, processing, or compounding of products other than as is customarily incidental or essential to the allowed use.~~; and~~

~~2~~b. 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).

2. **Accessory to a Principal Permitted Use within the Coastal Zone.** Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

a. Accessory to the principal permitted special purpose use. Except as provided in Subsection E.2.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a special purpose use, and does not change the character of the special purpose use, may be permitted as a component of the Principal Permitted special purpose use.

b. Accessory structures and uses listed separately. Where an accessory structure or use is listed separately in Tables 2-22, and 2-23 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

35.42.020.A - Accessory Structures and Uses - *shall be modified as follows:*

A. Purpose and applicability. This Section provides standards for accessory structures and uses, where allowed by Article 35.2 (Zones and Allowable Land Uses). Accessory structures, including agricultural accessory structures shall comply with the requirements of this Section, except that mobile home site accessory structures within a Mobile Home Park shall instead comply with the requirements of the MHP District in Section 35.23.080 (MHP Zone Standards). Accessory structures shall also comply with all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 through Article 35.7 of this Development Code.

11. Exemptions

35.20.040 *- Exemptions from Planning Permit Requirements - shall be modified as follows:*

The requirements of this Development Code that one or more planning permits (e.g., Coastal Development Permit, Land Use Permit, Conditional Use Permit, Minor 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 Subsections B and C. ("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 35.101 (Nonconforming Uses, Structures, and Lots); and

2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).

B. **Exempt activities and structures, Inland Area**. The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemptions) above, except if addressed by Policy OS-O-5 and Development Standards 5.1 through 5.3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, the ESH-GOL (Environmentally Sensitive Habitat-Goleta) overlay zone, and the RC-GOL (Riparian Corridor-Goleta) overlay zone, ~~and the ESH (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**~~**1. Animal keeping.** Animal keeping when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following) and the Animal Keeping Table (Table 4-1 and following) in Section 35.42.060 (Animal Keeping).

~~**B**~~**2. 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 Chapter 35.44 (Telecommunications Facilities).

~~**C**~~**3. Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following).

4. Damaged or destroyed structure. The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.

a. 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 by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Section only, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.

b. 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 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).

5. 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.

~~**D**~~**6. Fences, gates, gateposts, walls, retaining walls.** See Section 35.30.070 (Fences and Walls).

7. 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.

8. Grading. Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone, and that comply with the following, except in addressed in Policy GEO-O-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, the ESH-GOL (Environmentally Sensitive Habitat-Goleta) overlay zone, and

the RC-GOL (Riparian Corridor-Goleta) overlay zone.

a. General grading. Grading for which a permit is not required by County Code Chapter 14 (Grading).

b. Oil field grading. Grading in a State-designated oil field involving less than 1,500 cubic yards of cut or fill on a slope of less than 30 percent; provided that the grading:

(1) Does not have the potential to change or adversely affect an intermittent or perennial stream or regional watercourse;

(2) Will not adversely impact paleontological, archaeological, or uniquely important cultural resources;

(3) Will not adversely affect exceptional wildlife values;

(4) Is not proposed to be located within one mile and in the visible area of a scenic highway, public park, or area designated as recreational or open space on the Comprehensive Plan Land Use Maps; or

(5) Does not require the removal of three or more trees that are each greater than 17 inches in circumference measured two feet above the ground.

The requirements of this Subsection shall not be construed to alter the provisions and regulations of County Code Chapter 14 (Grading).

~~E~~**9.** **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following) and the Animal Keeping Tables (Table 4-1 and following), in Section 35.42.060 (Animal Keeping).

~~F~~**10.** **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.

~~G~~**11.** **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.

~~E~~**12.** **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.

~~H~~**13.** **Minor additions, accessory and temporary filming 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 upon which the improvement is proposed is not located 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)~~**a.** **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)~~**b.** **Agricultural accessory structures.** In the RR, AG-I, and AG-II zones, 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 plumbing or electrical facilities.

~~(3)~~**c.** **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.

~~(4)~~**d.** **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 of a building.

~~(5)~~e. **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.

~~(6)~~f. **Temporary filming structures.** Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork, and is in compliance with all applicable requirements of County Code Chapter 14C (Film Permit Office).

~~F~~14. **Oil drilling and production accessory equipment.** In the AG-II, M-2 or M-CR zones accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities when the installation of such equipment will not require grading or expansion of the site.

~~G~~15. **Onsite wastewater disposal systems.**

(1) Onsite wastewater treatment systems and the installation and performance testing of dry wells for sewage disposal, except for lots in designated Special Problem Areas.

(2) The replacement of all or any portion of an onsite wastewater treatment system on a lot in a designated Special Problem Area, provided that the replacement system is installed in substantially the same area as the existing system.

~~I~~16. **Propane tanks.** Propane tanks located in residential or agricultural zones.

~~J~~17. **Repair and maintenance.** Repair and maintenance activities that~~:~~

~~(1)~~ ~~D~~ do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.~~; and~~

~~(2) Within the Coastal Zone, comply with the *County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development* herein incorporated by reference (see Appendix C).~~

~~K~~18. **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.

~~L~~19. **Signs, flags, and similar devices.** Signs, flags and similar devices in compliance with Section 35.38.030 (Exempt Signs, Flags, and Devices).

~~M~~20. **Solar energy ~~collectors~~ systems.** 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 by more than 10 percent, or 250 square feet, whichever is less. 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 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).~~

~~**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. Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone, and that comply with the following, except in addressed in Policy GEO-O-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, the ESH-GOL (Environmentally Sensitive Habitat-Goleta) overlay zone, and the RC-GOL (Riparian Corridor-Goleta) overlay zone.~~

~~**(1) General grading.** Grading for which a permit is not required by County Code Chapter 14 (Grading).~~

~~**(2) Oil field grading.** Grading in a State-designated oil field involving less than 1,500 cubic yards of cut or fill on a slope of less than 30 percent; provided that the grading:~~

~~(a) Does not have the potential to change or adversely affect an intermittent or perennial stream or regional watercourse;~~

~~(b) Will not adversely impact paleontological, archaeological, or uniquely important cultural resources;~~

~~(c) Will not adversely affect exceptional wildlife values;~~

~~(d) Is not proposed to be located within one mile and in the visible area of a scenic highway, public park, or area designated as recreational or open space on the Comprehensive Plan Land Use Maps; or~~

~~(e) Does not require the removal of three or more trees that are each greater than 17 inches in circumference measured two feet above the ground.~~

~~The requirements of this Subsection shall not be construed to alter the provisions and regulations of County Code Chapter 14 (Grading).~~

~~**e. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.~~

~~**f. Oil drilling and production accessory equipment.** In the AG-II, M-2 or M-CR zones accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities when the installation of such equipment will not require grading or expansion of the site.~~

~~**g. Onsite wastewater disposal systems.**~~

~~(1) Onsite wastewater treatment systems and the installation and performance testing of dry wells for sewage disposal, except for lots in designated Special Problem Areas.~~

~~(2) The replacement of all or any portion of an onsite wastewater treatment system on a lot in a designated Special Problem Area, provided that the replacement system is installed in substantially the same area as the existing system.~~

~~**H**~~**21. Structures of limited value.** A structure with an aggregate value of less than $2,000, as determined by the Director

~~**i**~~**22. Utility facilities.** Poles, wires, underground gas 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. However, these structures shall comply with the applicable height limitations of the F (Airport Approach Area) overlay zone.

~~j~~23. Water wells.

~~(1)~~a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.

~~(2)~~b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

C. Exempt activities and structures, Coastal Zone. Within the Coastal Zone, the following types of development (and only the following types) are exempt from the requirements of this Development Code to obtain a Coastal Development Permit, except as noted below.

1. The exemptions described in Subsections C.2 and C.3 below shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:

a. The development or structure is located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, on or within 50 feet of the edge of a coastal bluff, or within areas designated as highly scenic.

b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, stream, or sand dune, or within 100 feet of the edge of a coastal bluff, in environmentally sensitive habitat areas, or within areas designated as highly scenic.

c. The development or structure has the potential to adversely impact public access to the beach or public hiking and equestrian trails, including existing informal trails within the Coastal Zone.

d. On property that is 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 of the sea where there is no beach, whichever is the greater distance, or in designated significant scenic resources areas, a development results in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to the exemption in sub-section C.2, below, or the analogous exemption in Coastal Act (PRC § 30610(a) or (b)), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage.

e. The improvement is to a non-residential structure and changes the intensity of use of the structure.

f. The improvement is to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.

g. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.

2. Improvements to a structure, other than a public works facility. The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development

Permit except as provided in Section 35.20.040.C.1 above. For purposes of this section, where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

a. 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 electrical, gas, or plumbing facilities.

b. Animal keeping. Animal keeping when shown as an "E" in the Animal Keeping Table (Table 4-1 and following) in compliance with Section 35.42.060 (Animal Keeping), not including confined animal facilities except for confined animal facilities associated with exempt household pet animal keeping, or unless a confined animal facility is~~unless such development is~~ otherwise exempt in compliance with this Section.

c. 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 Chapter 35.44 (Telecommunications Facilities).

d. 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.

e. Doors, 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 of a building.

f. Fences, gates, gateposts, and walls. See Section 35.30.070 (Fences and Walls).

g. Grading. Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.

h. Interior alterations. Interior alterations that do not result in any of the following:

(1) A conversion from non-habitable area to habitable area.

(2) An increase in the gross floor area within the structure.

(3) An increase the required number of parking spaces.

(4) A change in the permitted use of the structure.

i. Propane tanks. Propane tanks located in residential or agricultural zones.

j. 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.

k. Signs, flags, and similar devices.

(1) Signs, flags and similar devices in compliance with Section 35.38.030 (Exempt Signs, Flags, and Devices), provided the development does not exceed a maximum height of 35 feet and is not lighted.

(2) Signs that may be permitted in compliance with Chapter 35.38 (Sign Standards) that are proposed to be affixed to existing, lawfully constructed

structures.

l. Solar energy systems. The addition of solar energy systems to the roofs of existing lawful structures.

m. 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.

3. Agricultural activities. As part of existing, on-going lawfully established agricultural operations, the following development and uses are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1 above. In the Coastal Zone, new or expanded areas of agricultural activities are not exempt and require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) unless they are in compliance with Subsection 3.e or 3.i, below.

a. Agricultural accessory structures.

(1) One story detached accessory structures used as tool or storage sheds 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 electrical, gas or plumbing facilities.

(2) In the RR, AG-I, and AG-II zones, 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 plumbing or electrical facilities.

b. Agricultural product sales. See Section 35.42.050 (Agricultural Product Sales).

c. Animal keeping. Animal keeping when shown as an "E" in the Animal Keeping Table (Table 4-1 and following) in compliance with Section 35.42.060 (Animal Keeping), not including confined animal facilities unless such development is otherwise exempt in compliance with this Section.

d. Cultivated agricultural, orchards and vineyards, historic legal use. Cultivated agriculture, orchards and vineyards where the agricultural activities occur within existing areas of cultivated agriculture, orchards, and vineyards.

e. Cultivated, agricultural, orchards and vineyards, new or expanded areas. New cultivated agriculture, orchards and vineyards where the agricultural activities do not occur within existing areas of cultivated agriculture, orchards, and vineyards may also be exempt if the development of new cultivated agriculture, orchards or vineyards:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. For the purposes of this subsection C.3.e, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees. And

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.

f. Fences, gates, gateposts, and walls. See Section 35.30.070 (Fences and Walls).

g. Grading. Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.

h. Grazing, historic legal use. Grazing when located in existing grazing areas where the use does not significantly increase the intensity of use. The normal rotation of livestock from one pasture to another does not qualify as increasing the intensity of use. The conversion of grazing area to cultivated agriculture, orchard, or vineyard shall be interpreted as an increase in the intensity of use. This exemption does not include confined animal facilities unless such development is otherwise exempt in compliance with this Section.

i. Grazing, new or expanded areas. New grazing located outside of existing grazing areas may also be exempt if the grazing:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees. And

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.

j. Irrigation lines. The installation of irrigation lines.

k. Propane tanks. Propane tanks located in residential or agricultural zones.

l. Signs, flags, and similar devices.

(1) Signs, flags and similar devices in compliance with Section 35.38.030 (Exempt Signs, Flags, and Devices), provided the development does not exceed a maximum height of 35 feet and is not lighted.

(2) Signs that may be permitted in compliance with Chapter 35.38 (Sign Standards) that are proposed to be affixed to existing, lawfully constructed structures.

4. Utility Hook-Up Exclusion.

a. 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.

5. Temporary Events and Filming.

a. Temporary Events. Temporary events when shown as an ”E” in the Allowed Temporary Uses and Permit Requirements Tables 4-10 through 4-15 in compliance with Section 35.42.260.

b. Temporary filming structures. Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork.

6. Repair and maintenance.

a. Repair and maintenance activities are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.6.b, below, provided the activities:

(1) Do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities; and

(2) Comply with the *County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development* herein incorporated by reference (see Appendix C).

b. The exemption in Section 35.20.040.C.6.a above shall not apply to the extraordinary methods of repair and maintenance which require a coastal development permit because they involve a risk of adverse environmental impact as described in Section III of the *County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development* herein incorporated by reference (see Appendix C).

7. Structure Destroyed By Natural Disaster.

a. 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 as the destroyed structure, 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 35.82.070 (Design Review), if the structure is otherwise required to have Design Review (for example, the site is within the Design Control (D) Overlay Zone).

35.42.050.C *- Agricultural Product Sales - shall be modified as follows:*

C. Permit requirements. An appropriate application shall be filed with the Department as provided below. Additional permits may be required by other provisions of this Development Code (e.g., for structures accessory to the agricultural sales). Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), a permit for the sale of agricultural products shall be obtained from the Department of Public Health (Title 17, California Administrative Code Section 13653) if required.

1. Within the AG-I, AG-II, RR, M-1, M-2, M-CD, and M-CR zones, the following activities shall be exempt from the requirement to obtain a Coastal Development Permit or Land Use Permit provided the activity is conducted in compliance with the requirements of 35.20.040.C (Exemptions from Planning Permit Requirements) and the development standards specified in Subsection D. (Standards) below. ~~However, within the Coastal Zone the following activities~~

~~shall be exempt from the requirement to obtain a Coastal Development Permit only if the development will: (1) not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or 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 substantive evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~

12. Development Standards

35.21.050.A *- Agricultural Zones Development Standards - shall be modified as follows:*

A. **General development standards.** Development within the Agricultural zones shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (AG-I and AG-II Zones Development Standards) below, and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

35.22.050.A *- Resource Protection Zones Development Standards - shall be modified as follows:*

A. **General development standards.** Development within the Resource Protection zones shall be designed, constructed, and established in compliance with the requirements in Table 2-6 (MT and RMZ Zones Development Standards), below and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

35.23.050.A *- Residential Zones Development Standards - shall be modified as follows:*

A. **General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-11 (Residential Zones Development Standards) below and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

35.24.040.A *- Commercial Zones Development Standards - shall be modified as follows:*

A. **General standards.** Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-17 (Commercial Zones Development Standards) below, and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

35.25.040.A *- Industrial Zones Development Standards - shall be modified as follows:*

A. **General standards.** New and existing development within the industrial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-21 (Industrial Zones Development Standards) below, and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

35.26.040.A *- Special Purpose Zones Development Standards - shall be modified as follows:*

A. General standards. Development within the Special Purpose zones shall be designed, constructed and established in compliance with the requirements in Table 2-24 (Special Purpose Zones Development Standards) below, and all applicable standards in the Comprehensive Plan, the Local Coastal Program, and Article 35.2 ~~Article 35.3~~ through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

Table 2-3 *– AG-I and AG-II Zones Development Standards shall be modified as follows:*

Heading "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

Delete text "~~residential agricultural units~~" under "Residential density, maximum density"

Modify Ag-I, Height limit as follows

Coastal Zone - 35 ft.

Inland - 35 ft. for a residential structure, no limit otherwise

Toro Canyon Plan area - 25 ft. for a residential structure.

Table 2-6 *– MT and RMZ Zones Development Standards shall be modified as follows:*

Heading "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

Table 2-11 *– Residential Zones Development Standards shall be modified as follows:*

All instances of *Heading* "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

RR (CZ) and R-1/E-1 (CZ) "Front – Primary" Setback where it states "20 ft from private easement serving 5 or more lots" shall be modified as follows:

…20 ft from private easement serving or having the potential to serve 5 or more lots.

R-2 (CZ) "Front – Primary" Setback where it states "or 20 ft from easement serving 5 or more lots" shall be modified as follows:

or 20 ft from private easement serving or having the potential to serve 5 or more lots.

SR-M (CZ) and SR-H (CZ) "Building separation" shall be modified as follows:

5 ft between a habitable structure and any other building~~, none otherwise.~~ unless a more stringent standard is required by Building Code

Table 2-17 *– Commercial Zones Development Standards shall be modified as follows:*

All instances of Heading "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

PI (CZ) "Front – Primary" Setback shall be modified as follows:

45 ft from road centerline and 15 ft from right-of-way; 20 ft from right-of-way for a garage or carport that opens directly on the street.

Table 2-21 *– Industrial Zones Development Standards shall be modified as follows:*

All instances of Heading "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

Table 2-24 *– Special Purpose Zones Development Standards shall be modified as follows:*

All instances of Heading "~~Residential Density, Maximum density~~" *shall be deleted and replaced with the heading* "Allowed residential development"

35.24.050.B.2 *- C-1 Zones Additional Standards - shall be modified as follows:*

2. One-family dwellings. A one-family dwelling may be established within the C-1 zone only on a lot with no commercial use, provided the residential structure and use, and any accessory structures and uses, are in compliance with the applicable development standards for the R-1/E-1 zone as provided in Section 35.23.050 (Residential Zones Development Standards). Where a one-family dwelling is allowed, any residential accessory use or structure shall also comply with the requirements of Section 35.42.020 (Accessory Structures and Uses).

A new subsection shall be added in Section 35.21.050:

35.21.050.C Prime agricultural soils, Coastal Zone. Development, including agricultural facilities, residential structures, or greenhouses that do not rely on in-ground cultivation, within the Agricultural zones shall be sited to avoid prime agricultural soils to the maximum extent feasible.

13. Subdivisions

35.30.190 *- Subdivisions, Lot Size – shall be modified as follows:*

…

E. Coastal Development Permit Requirement. In the Coastal Zone, subdivisions and other divisions of land (including mergers and redivisions) are not a principal permitted use and therefore require an appealable Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits).

~~E~~F. 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 or AG-II, the long-term agricultural productivity of the land will not be diminished by the proposed division.

14. Lot Line Adjustments

35.30.110 *- Lot Line Adjustments - shall be modified as follows:*

A. Purpose and applicability. This Section establishes standards for the approval of a Lot Line Adjustment consistent with this Development Code, the Comprehensive Plan, any other applicable provisions of the Local Coastal Program 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 review authority first make all of the following findings.

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, the Local Coastal Program, and this Development Code.

2. No lot involved in the Lot Line Adjustment that (in its pre-adjusted form) conforms to the minimum lot size of the applicable zone ~~shall~~ would be adjusted by the proposed lot line adjustment so as to 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 B.3 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 B.3 if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.

      ….

      (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, the Local Coastal Program, 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).

   …

   7. For lot line adjustments of agricultural land located within the Coastal Zone and zoned AG-I or AG-II, the long-term agricultural productivity of the land will not be diminished by the proposed division.

C.…

D. Coastal Development Permit Requirement. In the Coastal Zone, lot line adjustments are not a principal permitted use and therefore require an appealable Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits).

15. ESHA Clarifications

35.28.090 *- Environmentally Sensitive Habitat Area (ESH) Overlay Zone - shall be modified as follows:*

A. Purpose and intent. The Environmentally Sensitive Habitat Area (ESH) overlay zone is applied to areas within the Coastal Zone with unique natural resources and/or sensitive animal or plant species, where existing and potential development and other activities may despoil or eliminate the resources. This overlay 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 ~~feasible~~ 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, <u>and no such species or habitat was destroyed or removed unlawfully,</u> 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 located on <u>or adjacent to</u> the project site 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 <u>subject to the requirements of Subsection C through Subsection O below, either due to its location</u> within the ESH overlay zone <u>or due to the new identification of sensitive habitat,</u> 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 35.80 (Permit Application Filing and Processing) and the requirements of this Section.

1. Application review. 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~~ <u>review authority</u> shall approve the permit in compliance with Subsection C.2 (Findings required for Coastal Development 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~~ review authority 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 <u>review authority</u> shall approve the Coastal Development Permit in compliance with Subsection C.2 (Findings required for Coastal Development 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 Commission shall be the review authority for the application for development.

(a) The 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 35.106 (Noticing and Public Hearings).

(c) The action of the Commission is final subject to appeal in compliance with Chapter 35.102 (Appeals).

2. Findings required for Coastal Development Permit approval. The approval of a Coastal Development Permit (Section 35.82.050) for a project within the ESH overlay zone shall require that the ~~Director~~ review authority first find that the proposed development meets all applicable development standards contained in Subsection D. through Subsection O. below, in addition to the findings required for a Coastal Development Permit (Section 35.82.050) in compliance with Section 35.82.050 (Coastal Development Permits).

3. Conditions of approval. An application for a Coastal Development Permit (Section 35.82.050) may be approved with conditions of approval as determined by the ~~Director~~ review authority 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. 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.

…

K. Development standards - Streams.

1. Stream habitat buffer.

a. The minimum buffer strip for streams in Rural Areas as designated on the Comprehensive Plan maps shall be presumptively 100 feet from the outer edge of the canopy or the top of creek bank , whichever is greater ~~top-of-bank~~, and 50 feet from the outer edge of the canopy or the top of creek bank , whichever is greater for streams in Urban Areas as designated on the Comprehensive Plan maps.

(1) For the purposes of the habitat protection policies and development standards of this Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay Zone) top of creek bank shall be defined as the recognized geologic top of slope.

b. These minimum buffers may be adjusted upward or downward on a case-by-case basis. To protect the biological productively 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~~(1). Soil type and stability of stream corridors;

~~b~~(2). How surface water filters into the ground;

~~c~~(3). Slope of land on either side of the stream; and

~~d~~(4). The location of the 100-year flood plain boundary.

c. Riparian vegetation shall be protected and shall be included in the buffer. 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.

35.28.100.B *- Environmentally Sensitive Habitat Area-Goleta (ESH-GOL) Overlay Zone, Inland Area - shall be modified as follows:*

B. **Applicability.** The ESH-GOL overlay may only be applied in the Inland area to property located within the Goleta Community Plan area. The provisions of this overlay zone shall apply to any area designated as ESH-GOL on the applicable Santa Barbara County Zone Overlay Map. In the Coastal Zone, environmentally sensitive habitat in the Goleta Community Plan area is subject to the provisions of Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay Zone).

35.28.110.A *- Environmentally Sensitive Habitat Area - Toro Canyon (ESH-TCP) Overlay Zone, Inland Area - shall be modified as follows:*

A. **Purpose and intent.** The Environmentally Sensitive Habitat Area - Toro Canyon (ESH-TCP) overlay zone is only applied to Inland areas within the Toro Canyon Plan with unique natural resources and/or sensitive animal or plant species, where existing and potential development and other activities may despoil or eliminate the resources. In the Coastal Zone, environmentally sensitive habitat in the Toro Canyon Plan area is subject to the provisions of Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay Zone). This overlay is intended to:

35.101.030.B *- Nonconforming Structures - shall be modified as follows:*

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.

…

5. **Sites within the Toro Canyon Plan Area.** Notwithstanding the above, the following standards apply to nonconforming structures on lots identified within the Toro Canyon Plan Area. In case of a conflict, the standards of this Subsection shall take precedence.

…

b. **Coastal Zone.** The following shall apply to the repair or reconstruction of nonconforming structures located within the Coastal Zone.

(1) **Residential structures.**

(a) A nonconforming residential structure that is 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 on the same site and in the same general footprint location.

(b) A nonconforming residential structure, located within an Existing Developed Rural Neighborhood as designated on the Comprehensive Plan maps and ~~either~~ located ~~within an Environmentally Sensitive Habitat area or~~ within an Environmentally Sensitive Habitat buffer area, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., 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 footprint location. If the reconstructed residence is proposed to be larger than the existing structure, it may only be allowed where findings are first made that the development does not adversely impact the adjacent riparian species, complies with all other provisions of the Toro Canyon Plan, and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with Development Standards BIO-TC-5.1 through 5.4 of the

Toro Canyon Plan. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls, calculated cumulatively.

(c) A primary dwelling, located within an Existing Development Rural Neighborhood, that is nonconforming solely due to its location within an Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-TC-5.1 and BIO-TC-5.4 of the Toro Canyon Plan and in a manner that otherwise complies with the regulations of the Toro Canyon Plan and this Development Code.

(d) For the purpose of this Subsection, "residential structure" shall mean primary dwellings, secondary dwellings including Residential Second Units, farm employee dwellings, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of "residential structure" in compliance with Section 35.82.140 (Nonconforming Status and Extent of Damage Determination).

...

(5) Expansion of nonconforming structures located on a bluff top or beach. Additions to nonconforming structures located on a bluff top or on the beach that increase the size of the structure by 50 percent or more are not allowed unless the entire structure is brought into compliance 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, calculated cumulatively, of a nonconforming structure is not allowed unless the entire structure is brought into compliance with the policies and standards of the Local Coastal Program.

16. Flood Hazard Overlay

35.28.120 *- Flood Hazard Area (FA) Overlay Zone – shall be modified as follows:*

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 areas within the 100-year flood plain by alerting property owners that County Code Chapter 15A (Floodplain Management) applies to their property, and avoiding the exposure of new development to flood hazards, 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~~ which are defined ~~in County Code Chapter 15A (Floodplain Management)~~ as areas having special flood hazard as shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Emergency Management Agency as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

1. Additional standards. Each land use shall comply with the requirements of the primary zone and ~~"development" as defined in County Code Chapter 15A~~ any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials shall also ~~comply with the additional requirements in~~ be subject to 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, the Comprehensive Plan, and the Local Coastal Program.

C. Permit and processing requirements.

1. **Referral and determination.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (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 or Land Use Permit or Zoning Clearance requirements of the primary zone.

17. Hazardous Waste Management Facility (HWMF) Overlay

35.28.140 *- Hazardous Waste Management Facility (HWMF) Overlay Zone - shall be modified as follows:*

A. Purpose and intent. The Hazardous Waste Management Facility (HWMF) overlay zone provides a mechanism for the siting of off-site hazardous waste management facilities and is intended to ensure that the facilities are sited consistent with both the requirements of the ~~Hazardous Waste Element of the~~ Comprehensive Plan and the primary zone.

B. Applicability.

1. **Siting criteria.** A project on a site for which rezoning to the HWMF overlay zone has been initiated shall comply with all Hazardous Waste Element siting criteria.

2. **Relationship to primary zone.** Each land use and proposed development within the HWMF overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section, the Comprehensive Plan, and the Local Coastal Program. If a requirement of this Section conflicts with a requirement of the primary zone, the regulations more protective of the public health and the environment shall control. In the Coastal Zone, if there is a conflict between a provision of the Local Coastal Program and a provision of the Comprehensive Plan, or any other County-adopted plan, resolution, or ordinance not included in the Local Coastal Program, and it is not possible for the development to comply with both the Local Coastal Program and such other plan, resolution or ordinance, the Local Coastal Program shall take precedence and the development shall not be approved unless it complies with the Local Coastal Program provision.

18. Rural Recreation

35.42.240 - Rural Recreation *shall be modified as follows:*

A. Purpose and applicability. This Section provides standards for rural recreation, where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses).

B. Allowable uses and permit requirement.

1. Coastal Zone. Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, ~~hostels,~~ campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C. below.

2. Inland area. Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the standards included in Subsection C. (Standards) below.

C. Standards.

1. AG-II and AG-II CZ zones. The following development standards shall apply to projects located in the AG-II and AG-II CZ zones.

~~1~~a. Is in character with the rural setting.

~~2~~b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.

~~3~~c. Does not include commercial facilities open to the general public who are not using the recreational facility.

~~4~~d. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.

2. RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.

a. Retreats.

~~5.~~(1) Groups may be assembled for periods ~~of~~ not to exceed 21 days.

~~6.~~(2) When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, 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.

b. Rural recreation facilities shall not contain accommodations for recreational vehicles if located in the RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.

19. Allowed Temporary Uses

***35.42.260** - Temporary Uses and Trailers - shall be modified as follows:*

…

B. Applicability.

1. **Does not apply to wineries or amusements regulated separately - Inland area.** Within the Inland area, this Section shall not apply to any use of property that is regulated by Section 35.42.280 (Wineries) of this Article or Chapter 6 (Amusements) of the County Code.

2. **Permits required**. Each temporary use of land including trailers identified in Table 4-10 through Table 4-15, below, may be allowed in compliance with the approval of the applicable permit identified in the table.

   a. Coastal Zone. "Permit Required by Zone" columns that include "CZ" after the zone symbol in the column heading only apply within the Coastal Zone unless indicated otherwise.

   b. Inland area. "Permit Required by Zone" columns that do not include "CZ" after the zone symbol in the column heading only apply outside the Coastal Zone within the Inland

area unless indicated otherwise.

3. Similar temporary events/uses.

a. Exempt from permit requirements. Other temporary uses that are not included in Table 4-10 through Table 4-15 may be allowed as exempt from the planning permit requirement in compliance with this Chapter ~~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 on surrounding properties.

b. Coastal Development Permit or Land Use Permit required. Other temporary uses that are not included in Table 4-10 through Table 4-15 may be allowed by a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) if the Director determines that the proposed temporary use is similar to those uses allowed by a Coastal Development Permit or Land Use Permit.

4. Other approvals required. All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.

…

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

…

8. 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. Within the Coastal Zone, the temporary event shall also be in compliance with Subsection 35.42.260.D.2 (Exempt temporary uses within the Coastal Zone).

G. Trailer use.

…

12. 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. Trailers shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.

b. Trailers 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 35.82.050 (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.

(4) Meets all other exemption criteria in compliance with Section 35.20.040.C.1 (Exemption from Planning Permit Requirement)

20. Telecommunications Facilities (LCPA 1-05-C)

35.44.010 *- Commercial Telecommunications Facilities - shall be modified as follows:*

…

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 4-16 (Allowable Zones and Permit Requirements for Commercial Telecommunications 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.

a. Coastal Zone.

(1) Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits).

(2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Development Plan, Minor Conditional Use Permit or Conditional Use Permit in compliance with Section 35.82.060.C (Contents of Application).

Table 4-16 - Allowable Zones and Permit Requirements for Commercial Telecommunications 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	35.44.010.C.1.(a) 35.44.010.D
Tier 1 Project (Other than very small facilities)	Nonresidential zones	Coastal Development Permit or Land Use Permit	35.44.010.C.1.(b) 35.44.010.D
Tier 2 Project (Tenant improvements)	Nonresidential zones	Development Plan approved by the Director (3)	35.44.010.C.2.(a) 35.44.010.D
Tier 2 Project (Other than tenant improvements)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director (3)	35.44.010.C.2.(b) 35.44.010.D
Tier 3 Project	Nonresidential zones, except not allowed in the Recreation (REC) zone (4)	Minor Conditional Use Permit	35.44.010.C.3 35.44.010.D
Tier 4 Project	All zones (5)	Conditional Use Permit	35.44.010.C.4 35.44.010.D

Notes:
(1) See Subsections C.1 through C.4 below, 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 35.82.070 (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 35.82.070 (Design Review).

b. The facility is under the jurisdiction of the Commission.

(3) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.106 (Noticing and Public Hearings), in which case the Zoning Administrator shall be the review authority.

(4) Tier 3 facilities described in Subsection 35.44.010.C.3.b may be allowed within all nonresidential zones, including the REC zone.

(5) Tier 4 facilities described in Subsection 35.44.010.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. unless otherwise specified. Modifications to zone regulations in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or Section 35.82.080 (Development Plans) may be allowed only as specified in this Section. **…**

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C. (Processing) above, ~~commercial~~ telecommunication facilities regulated by this Section 35.44.010 (Commercial Telecommunications 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:

…

h. 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 possible so as to minimize the amount of light that falls onto nearby residences and habitat.

…

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.

Within the Coastal Zone, an exemption shall only be granted if the review authority 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 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 sensitive habitat, coastal waters and public access.

~~However~~ Within the Inland area, 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.

…

b. ~~In the Inland area, d~~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 antenna on an existing support structure and these efforts have been unsuccessful; or

(2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or

(3) The review authority determines that:

(a) ~~collocation~~ Collocation of the proposed facility would result in greater visual impacts than if a new support structure were ~~proposed~~ constructed, and

(b) The non-collocated development, if located within the Coastal Zone, will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access.

All 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~~ and environmental impacts. 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, 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 Subsection E.3 (Collocation) below.

...

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 Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

Within the Coastal Zone, an exemption shall only be granted if the 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 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 sensitive habitat, coastal waters and public access.

Within the Inland area, an ~~An~~ exemption shall only be granted if the 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.

…

35.44.020 - Noncommercial Telecommunications Facilities

…

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 4-17 (Allowable Zones and Permit Requirements for Noncommercial Telecommunications 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.

a. Coastal Zone.

(1) Unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), development in the Coastal Zone requires a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits).

(2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Development Plan, Minor Conditional Use Permit or Conditional Use Permit in compliance with Section 35.82.060.C (Contents of Application).

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 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, the 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 in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.110 (Land Use Permits), or Section 35.82.210 (Zoning Clearances) shall be obtained before relocation of the antenna support structure.

e. Compliance with Article 35.2. Antennas and support structures shall comply with all applicable regulations of the Comprehensive Plan and Local Coastal Program including setbacks except as specifically allowed in compliance with Subsection 35.44.020.D.1.d.

...

21. Bluff Development

35.60.060 *- Bluff Development - Coastal Zone - shall be modified as follows:*

...

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 require structural foundations or otherwise impact bluff stability) may be permitted but in no case shall minor ancillary structures or improvements be sited closer than 15 feet from the bluff edge except as provided in Subsection C.1., below. Ancillary structures shall be removed or relocated landward when threatened by erosion. 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.

1. Visually permeable and visually compatible fences required for safety purposes and public accessways (e.g. public trails) that qualify as minor improvements may be located closer than 15 feet from the bluff edge but in no case shall said fences and public trails be located closer than five feet from the bluff edge. Notwithstanding the other provisions of this code regarding repair and replacement of non-conforming structures, lawfully established public bicycle paths closer than 15 feet from the bluff edge may be repaired and maintained, including structural repairs.

...

E. Bluff face development, drainage structures. No development shall be permitted on the bluff face, except for engineered staircases or access ways to provide public 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.

1. Notwithstanding the other provisions of this code regarding repair and replacement of non-conforming structures, lawfully established staircases and access ways that provide beach access and are not available for use by the general public may be repaired and maintained, including structural repairs, provided that cumulatively no more than 50 percent of the structural underpinnings (including foundations, pilings, and support beams but not including individual stairs and railings) are reconstructed or replaced over the life of the structure. The reconstruction or replacement of 50 percent or more of a staircase is not repair and maintenance but instead constitutes a replacement structure.

22. Clarifications Regarding Planning Permit Modifications

35.36.080.K *- Parking - shall be modified as follows:*

…

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with Section 35.42.230 (Residential Second Units), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), Section 35.82.080 (Development Plans), Section 35.82.130 (Modifications) or Section 35.82.200 (Variances). In the Coastal Zone, modifications shall be consistent with the resource protection policies of the Local Coastal Program, including protection of public access, environmentally sensitive habitat resources, visual and scenic resources, visitor-serving uses, water quality, and the long-term viability of agriculture.

35.82.060.I.1 *- Conditional Use Permits and Minor Conditional Use Permits - shall be modified as follows:*

…

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 except as provided within Subsection I.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the review authority finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines. Within the Coastal Zone, modifications shall be consistent with the coastal resources protection policies of the Local Coastal Program, including protection of public access, environmentally sensitive habitat resources, visual and scenic resources, visitor-serving uses, water quality, and the long-term viability of agriculture.

   a. The parking standards of the SR-M and SR-H zones listed within Table 3-4 (Residential Parking Standards), of Section 35.35.050 (Required Number of Spaces: Residential Uses) and Section 35.36.100.H (Medium and High Density Student Residential (SR-M and SR-H) zones) and the parking standards of the SF overlay zone listed within Section 35.28.180 (Single Family Restricted (SF) overlay zone) and may not be modified.

2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the review authority 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.

35.82.080.H.1 *- Development Plans - shall be modified as follows:*

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 except as provided within Subsection H.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and Chapter 35.36 (Parking and Loading Standards) when the review authority finds that the modification is justified. Within the Coastal Zone, modifications shall be consistent with the resource protection policies of the Local Coastal

Program, including protection of public access, environmentally sensitive habitat resources, visual and scenic resources, visitor-serving uses, water quality, and the long-term viability of agriculture.

…

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.

23. Development Agreements

35.86.040 *- Standards of Review, Findings and Decision - shall be modified as follows:*

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.

1. Development Agreements for property located in the Coastal Zone. A Development Agreement for property located in the Coastal Zone shall not become effective until the Development Agreement has been certified as an amendment to the County's certified Local Coastal Program in compliance with Chapter 35.104 (Amendments) in either of the following circumstances:

a. Geographic implementation. Where the provisions of the development agreement propose to supersede or replace those of the certified implementation plan for a geographic area (or of the land use plan and implementation plan for the geographic area).

b. Not congruent with the Local Coastal Program. Where the development agreement applies to a geographic area of the certified Local Coastal Program, but the development agreement's provisions are not congruent with provisions of the certified Local Coastal Program, including situations where (1) the development agreement's provisions as to the permitted land uses, density or intensity of use, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes are different from those of the certified Local Coastal Program, and (2) the development agreement includes additional provisions that conflict with or modify provisions of the Local Coastal Program. For the purposes of this Subsection C.1, "congruent" means "in agreement, corresponding; harmonious."

c. In both of the above situations, the Development Agreement shall include a provision that the Local Coastal Program is controlling as to matters not addressed by the development agreement.

24. Signs

35.38.030 *- Permit Requirements - shall be modified as follows:*

35.38.030 - Exempt Signs, Flags, and Devices

A. Exempt from Sign Certificate of Conformance. The following signs, flags, and devices are exempt from the provisions of this Chapter.

~~A~~1. Flags of a governmental entity (e.g., United States, California, Santa Barbara County, municipalities within Santa Barbara County, other governmental entities).

~~B~~2. Signs and devices erected by a governmental entity, including public schools.

~~C~~3. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).
~~D~~4. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
~~E~~5. Signs located entirely within structures.

B. Coastal Zone. The signs, flags, and devices listed in Subsection A above, are not exempt from the requirement to obtain a Coastal Development Permit except as allowed in compliance with Section 35.20.040.C (Exemption from Planning Permit Requirements).

35.38.040 *- Permit Requirements - shall be modified as follows:*

A. Permit requirements.

…

2. Coastal Development Permit required. Within the Coastal Zone**,** signs are development that require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) except where exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

1. A sign that is incidental, appropriate and subordinate to a use designated as a Principal Permitted Use shall be also be considered a Principal Permitted Use.

2. If the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required then a Sign Certificate of Conformance shall not be required in addition to the Coastal Development Permit.

2~~3~~. Application. The required permit application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filling)

…

25. Economic Hardship

Section 35.84.030.D (Time Extensions) of Chapter 35.84, Post Approval Procedures of the County LUDC shall be modified as follows:

...

2. Conditional Use Permits and Minor Conditional Use Permits.

a. Extension of permit approval. The review authority ~~that approved~~ responsible for reviewing and making a decision on the application for the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) may extend the approval of a Conditional Use Permit or Minor Conditional Use Permit one time for good cause shown in compliance with the following:

...

3. Development Plans (Preliminary and Final).

a. Extension of permit approval. The review authority ~~that approved~~ responsible for reviewing and making a decision on the application for the Development Plan in compliance with Table 8-1 (Review Authority) may extend the approval of the Development Plan in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) one time for 12 additional months for good cause shown in compliance with the following:

...

8. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for an additional 24 months in compliance with the following:

a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.

b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.

c. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.

d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

This Subsection D.8 shall expire, and be of no further force or effect, on January 12, 2012, unless extended by ordinance and LCP amendment.

26. Energy

35.51.070.B *- Onshore Processing Facilities Related to Offshore Oil and Gas Development - shall be modified as follows:*

…In addition to the regulations in Article 35.2 (Zones and Allowable Land Uses for the ~~applicable~~ M–CD and M-CR zones in which onshore processing facilities related to offshore oil and gas development are allowed, the following ~~regulations~~ standards shall apply to onshore processing facilities related to offshore oil and gas development.

…

35.51.090.B *- Consolidated Pipeline Terminals - shall be modified as follows:*

…In addition to the regulations in Article 35.2 (Zones and Allowable Land Uses) for the AG-II and M-CR zones in which consolidated pipeline terminals are allowed, the following standards shall apply to consolidated pipeline terminals~~.~~,

…

35.51.100.A.5 *- Oil and Gas Pipelines - Coastal Zone - shall be modified as follows:*

5. Pipelines located within a lease area that are necessary for onshore oil and gas production operations of onshore oil and gas reservoirs shall be subject to the regulations in Subsection 35.51.060.B (Development Standards).

35.51.110.B *- Onshore Exploration or Production of Offshore Oil and Gas Reservoirs - shall be modified as follows:*

B. Development standards for exploration activities. In addition to the regulations in *Article 35.2 (Zones and Allowable Land Uses)* for the ~~applicable~~ AG-II and M-CR zones in which onshore exploration or production of offshore oil and gas reservoirs are allowed, the following standards shall apply. Where applicants seek an Exploration Plan in conjunction with a Production Plan simultaneously, only the development standards in Subsection C. (Development standards for production activities), shall apply.

~~**1. Other applicable development standards.** The development standards required for onshore exploratory oil and gas drilling, as identified in Subsection 35.51.050.B (Development standards), shall apply. Where applicants seek an Exploration Plan in conjunction with a Production Plan simultaneously, only the development standards in Subsection C. (Development standards for production activities) below, shall apply.~~

1. **Setbacks.** In addition to the well spacing and setback requirements of County Code Chapter 25 (Oil and Petroleum Wells), Section 25-21 (Spacing), exploratory oil or gas wells or related facilities shall not be allowed within 300 feet of either the average high tide line or an occupied residence.

2. **Delivery hours.** Except in an emergency, materials, equipment, tools, or pipe used for drilling shall not be delivered to or removed from a drilling site within or through streets within a residential zone, between the hours of 7 p.m. and 7 a.m. of the next day.

…

Renumber Section 35.41.110.B due to addition of #1 and #2 above. Note: CCC staff is leaving it to County staff to determine the priority order and numbering for the above additional standards to fit into the existing list of standards in Section 35.41.110.B.

35.51.110 C*- Onshore Exploration or Production of Offshore Oil and Gas Reservoirs - shall be modified as follows:*

C. Development standards for production activities. In addition to the regulations in Article 35.2 (Zones and Allowable Land Uses) for the ~~applicable~~ AG-II and M-CR zones in which onshore exploration or production of offshore oil and gas reservoirs are allowed, the following standards shall apply.

~~1. Onshore oil and gas production. The development standards required for onshore oil and gas production, as identified in Subsection 35.51.060.B (Development standards) shall apply.~~

1. **Setbacks.** In addition to the well spacing and setback requirements of County Code Chapter 25 (Oil and Petroleum Wells), Section 25-21 (Spacing) oil and gas production wells or related facilities shall not be allowed within 300 feet of either the average high tide line, or an occupied residence.

2. **Maximum number of drilling/production sites.** Not more than one drilling/production site shall be allowed 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.

3. **Screening from public view.** Following drilling and testing of the reservoir, production equipment and facilities shall be recessed, covered, or otherwise screened from view. Trees or shrubbery shall be planted and maintained to develop attractive landscaping and to screen the site and production equipment, structures, tanks, and facilities on the site from public view, unless the 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.

4. **Exterior color.** Permanent structures and equipment shall be painted a neutral color to ensure that they blend in with natural surroundings.

…

Renumber Section 35.41.110.C due to addition of #1 through #4 above. Note: CCC staff is leaving it to County staff to determine the priority order and numbering to fit the above additional standards to fit into the existing list of standards Section 35.41.110.C.

35.51.120.A*- Marine Terminals - Coastal Zone - shall be modified as follows:*

A. Applicability. The specific regulations contained within this Section shall apply to the onshore portion of the components of ~~a~~ existing and new marine terminals ~~which~~ includ~~e~~ing loading and/or unloading equipment, storage tanks, terminal control and safety equipment, and navigational facilities, but ~~not including~~ excluding pipelines and facilities related to pipelines which are

separately regulated by ~~The~~ ~~regulations for pipelines and related facilities~~ that ~~are located in~~ Section 35.51.100 (Oil and Gas Pipelines - Coastal Zone). ~~These regulations shall apply to existing and new marine terminals.~~

35.51.120.B.2 *- Marine Terminals - Coastal Zone shall be modified as follows:*

2. Authority to construct. *The applicant ~~has received~~shall obtain "authority to construct" from the Air Pollution Control District*.

27. Glossary

Article 35.11*, Glossary, shall be modified as follows:*

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. Within the Coastal Zone, accessory agricultural structures may include confined animal facilities and fencing incidental, appropriate and subordinate to the agricultural use but shall not include residential development, equestrian facilities, packing or shipping facilities.

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. In the Coastal Zone, these activities require a Coastal Development Permit, unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

Agricultural Products Shipping Facility. A facility used for the transportation of agricultural products produced on the same site ("on-premise products") or from other properties ("off-premise products"), for offsite marketing.

Appealable Development. In the Coastal Zone and 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~~ Any development approved by the County that is not designated as the principal permitted use under this Development Code or the zoning map. This includes developments approved by the County that require the approval of a Conditional Use Permit or Minor Conditional Use Permit.

~~4. Development authorized by the County through Conditional Use Permit approval.~~

~~5~~4. ~~A~~ Any development which constitutes a major public works project or a major energy facility, as defined in this glossary.

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. For the purposes of Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay Zone), buffers shall mean natural vegetation buffers.

Campground. A site for temporary occupancy by campers~~,~~ which may include individual campsites~~, but where utility hookups for recreational vehicles are not provided~~. ~~See also "Recreational Vehicle Park."~~

Coastal Resources. Any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 *et seq.*, including public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Comprehensive Plan.

Coastal Zone. The Coastal Land Use Plan and all Community Plans and Area Plans, or portions thereof, that comprise the Land Use Plan (LUP) portion of the certified Local Coastal Program for Santa Barbara County as well as applicable elements of the Santa Barbara County Comprehensive Plan. Within the Coastal Zone, the certified Local Coastal Program shall prevail over other Comprehensive Plan elements to resolve conflicts.

Inland area. 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.

Confined Animal Facilities. Facilities where animals are corralled, penned, or otherwise housed or caused to remain in restricted areas. Confined animal facilities include corrals, fencing for pastures, barns, stables, or other development designed to house or restrict the movement of animals. Also includes animal enclosures.

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. Examples of this land use include the following:

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. **Limited Slope.** For Inland areas, ~~the purposes of the MT-GOL and MT-TORO zones,~~ "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means that the listed new or expanded agricultural activities occur on slopes of 40 percent or less, or on slopes greater than 40 percent where the cumulative area of disturbance (pre-existing and proposed) totals five acres or less. Within the Coastal Zone, "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means new or expanded agricultural activities that occur on slopes of 30 percent or less.

2. **Steep Slope.** For Inland areas, ~~the purposes of the MT-GOL and MT-TORO zones,~~ "Cultivated Agriculture, Orchard, Vineyard - Steep Slope" means that the listed new or expanded agricultural activities occur on slopes greater than 40 percent, where the cumulative area of disturbance (pre-existing and proposed) exceeds five acres. Within the Coastal Zone, "Cultivated Agriculture, Orchard, Vineyard - Steep Slope" means new or expanded agricultural activities that occur on slopes greater than 30 percent.

3. **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.

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, including lot splits, 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.

…

Development Area (Coastal Zone). Within the Coastal Zone, development area is defined as the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, and parking areas. The area of one access driveway or roadway not to exceed twenty feet wide, and one hammerhead safety turnaround, as required by the Fire Department not located within the approved building pad shall be excluded from the total development area. The fuel modification area required by the Fire Department for approved structures may extend beyond the limits of the approved development area.

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, no 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.

Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of this land use include the following:~~: …~~

Freeway. As 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.

Grazing. To put livestock out to feed.

1. **Limited Slope.** Within the Coastal Zone, "Grazing - Limited Slope" means new or expanded grazing activities that occur on slopes of 30 percent or less.

2. **Steep Slope.** Within the Coastal Zone, "Grazing - Steep Slope" means new or expanded grazing activities that occur on slopes greater than 30 percent.

3. **Historic Legal Use.** "Grazing- Historic Legal Use" means that there is evidence of a permitted or nonconforming use of the site for grazing within the previous 10-year period.

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.~~ For purposes of interpreting provisions of the Coastal Act of 1976, the inland extent of the beach shall be determined as follows: (1) from a distinct linear feature (e.g., a seawall, road, or bluff, etc.); (2) from the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or (3) where a beach berm does not exist, from the further point separating the dynamic portion of the

beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.

Limited Concession Facility. A structure, either permanent or temporary, from which food and related items may be sold to persons using the recreational facility, and incidental public, in which the structure is located. The structure shall be incidental, appropriate and subordinate to the recreational facility.

Local Coastal Program. The County's (a) Coastal Land Use Plan, (b) Development Code and other implementing ordinances, (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.

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, and Certificate of Compliance or Conditional Certificate of Compliance was recorded, 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).

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~~).

1. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

2. Notwithstanding the criteria in (a), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

Native Protected Tree. A native tree that is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped).

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 or principal 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-native Protected Tree. A non-native tree that is at least 25 inches in diameter as measured 4.5 feet above level ground (or as measured on the uphill side where sloped). Non- native trees, regardless of size, may be subject to the ESH Overlay in compliance with Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay) where such trees comprise habitat for sensitive species such as monarch butterflies, raptors, or other protected species.

Operator. As used within Section 35.82.160 (Reclamation and Surface Mining Permits) "operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Permitted Use. A use listed in Article 35.2 (Zones and Allowable Land Uses) or other applicable section of the Development Code as a permitted use that may be allowed subject to obtaining the necessary permits and compliance with all applicable development standards identified in the Development Code.

Principal Permitted Use. A use that clearly carries out the designated land use and the intent and purpose of a particular zone. The uses defined as part of the principal permitted use for each of the basic zones in Article 35.2 (Zones and Allowable Land Uses), the approvals of which are not appealable to the Coastal Commission except as specified in Section 35.102.060 (Appeals to the Coastal Commission).

Public Property. Property owned in fee or held as an easement by the government.

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, or regulated by the government.

Residential Project Convenience Facilities. Accessory uses and structures customarily incidental and subordinate to a multiple unit residential project (e.g., laundry facilities, common rooms, swimming pools).

Rural Area. An area ~~shown~~ designated on the Comprehensive Plan maps as "Rural Area".

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities ~~(not including accommodations for recreational vehicles)~~, hunting clubs, retreats, and summer camps.

Solar Energy System. Solar energy system means either (a) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or (b) any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. Additionally, the following terms and phrases are defined for the purposes of permitting solar energy systems:

1. **Feasible method to satisfactorily mitigate or avoid the specific adverse impact.** A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

2. **Specific, adverse impact.** A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Subdivision. The division, by any subdivider, of any lawfully established 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.

Telecommunications, Ridgeline. When used within Section 35.44.010 (Commercial Telecommunication Facilities), ridgeline shall mean a visually prominent, relatively long and narrow strip or crest of land, which ~~includes the highest points of elevation~~ forms a distinct part of the skyline within a watershed, that separates one drainage basin from another.

Telecommunications, 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 in compliance with all necessary permits and approvals. For the purposes of siting telecommunications facilities on existing structures within the Coastal Zone, a new utility pole approved in compliance with a Coastal Development Permit may be considered an existing utility pole. A new utility pole that replaces an existing utility pole within the Inland area is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

Urbanization (Inland Area). Within the Inland area, any ~~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.

28. Revert to Certified Language

35.25.020.D *- Purposes of Industrial Zones - shall be modified as follows:*

D. M-CR (Coastal-Related Industry) zone. The M-CR zone is applied within the Coastal Zone and the Inland area and is intended to provide areas ~~that are appropriate for coastal-related industrial uses within the Inland area. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible.~~ within the Coastal Zone for certain energy and industrial uses that are dependent on coastal-dependent development of uses as prescribed in M-CD, Coastal-Dependent Industry, 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.

35.28.030 *- Affordable Housing (AH) Overlay Zone - shall be modified as follows:*

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. Within the Coastal Zone, 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.

B. Applicability.

…

2. Relationship to primary zone. Each land use and proposed development within the AH overlay 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.~~ all uses of land shall comply with the regulations of the primary zone. 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. If a requirement of this Section conflicts with a requirement of the primary zone, the conflict shall be resolved consistent with the provisions of the Local Coastal Program.

…

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 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. Within the Coastal Zone, a modification may be approved as described above, provided that the project, as modified, shall be found consistent with all applicable policies and provisions of the Local Coastal Program.

…

3. **Development standards.** The following standards shall apply to 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 Plan~~ Local Coastal Program for projects in the Coastal Zone.

a. 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.

b. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

35.28.200 *- View Corridor (VC) Overlay Zone - shall be modified as follows:*

…

4. **Criteria for denial.** If, after review, the 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 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. If the plans are not brought into conformance with said standards, the Board of Architectural Review shall disapprove the plans and a Coastal Development Permit shall not be approved.

35.36.100.C - Standards for Residential Zones and Uses - *shall be modified as follows:*

C. **One-Family Exclusive Residential (EX-1) zone.**

1. Required parking shall be provided with adequate provisions for ingress from and egress to the street at the time the main structure is constructed or enlarged or at the time a guesthouse is erected.

2. **Overnight parking of commercial vehicles.** Not more than one bus or nonpassenger

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.

35.42.060.F *- Animal Keeping - shall be modified as follows:*

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.

...

2. Special standards and requirements for animal keeping in the RR, R-1/E-1, R-2, DR, EX-1, MU and OT-R zones.

29. Errors and General Clarifications

35.42.230G.3 *- Residential Second Units shall be modified as follows:*

…

e. ~~The following development standards shall also apply to detached residential second units located within the Inland area~~; ~~(1)~~ The development of a detached residential second unit in agricultural zones shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:

(1~~a~~) Avoiding prime soils or where there are no prime soils be sited ~~so as~~ to minimize impacts to ongoing agriculturally-related activities.

(2~~b~~) Including buffers from sensitive areas.

(3~~c~~) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.

f. ~~(2)~~ In residential zones located in the Inland area, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from 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.

35.23.100.A *- PRD Zone Standards - shall be modified as follows:*

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 35.88 (Specific Plans) prior to or concurrent with the submittal of a Preliminary Development Plan and for property located within the Coastal Zone shall require an amendment of the Local Coastal Program in compliance with Chapter 35.104 (Amendments). 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.

35.23.120 *- SR-M and SR-H Zones Standards - shall be modified as follows:*

~~B.~~C. Structure placement.

…

~~C.~~D. Sidewalks. Prior to the issuance of a Coastal Development Permit for a structure, all plans for new or altered structures shall be reviewed by the Public Works Department, Road Division for frontage improvement conditions. As a condition to the approval of a Coastal Development Permit for any structure, the owner or their agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the owner's property that are determined by the Public Works Department, Road Division to be reasonably related to the proposed use of the property.

35.26.020.C *- Purposes of Special Purpose Zones - shall be modified as follows:*

C. PU (Public Works Utilities and Private Services Facility) zone. The PU zone is applied within the Coastal Zone and the Inland area to areas appropriate for the siting of large scale public works, utilities and private service facilities. In the Inland area, ~~provided that~~ the requirements of this zone do not apply to local agencies ~~exempted by Section 35.20.040 (Exemptions from Planning Permit Requirements)~~ in compliance with Section 35.10.040 (Applicability of the Development Code). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.

35.28.210 *- Community Plan Overlays - shall be modified as follows:*

…

F. Summerland Community Plan area.

…

b. Duplexes. The maximum allowed FAR is 0.27, except where reduced in compliance with Subsection f (Reductions in maximum FAR) below. The ~~maximum~~ cumulative floor area of both units of the duplex shall be limited to 3,600 square feet of total living area ~~for both units of the duplex~~.

~~F~~G. Toro Canyon Plan area.

…

2. Lot re-configuration. Within the Coastal Zone, Land Divisions, Lot Line Adjustments and Conditional Certificates of Compliance shall be permitted if each lot being established could be developed without adversely impacting resources, consistent with Toro Canyon Plan policies and other applicable provision.

3. Development Standards. All non-agricultural structures shall be in compliance with the following development standards:

…

d. The exterior surfaces of the structure, including water tanks, walls, and fences~~,~~ shall use non-reflective building materials and colors shall be compatible with the surrounding terrain (including rock outcrops, soils, and vegetation). Where paints are used, they shall be non-reflective.

35.30.070 *- Fences and Walls - shall be modified as follows:*

Table 3-1 - Fence ~~Height and~~ Permit Requirements in all Zones Except in Agricultural Zones

Fence and/or Gatepost Location	Fence and/or Gatepost Height	Permit Requirement
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Exempt (1)
	Fence more than 6 ft high; gatepost more than 8 ft high	Minor Conditional Use Permit (2)
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Minor Conditional Use Permit (2)
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Exempt (1)
	Fence more than 6 ft high; gatepost more than 8 ft high	Minor Conditional Use Permit (2)
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Minor Conditional Use Permit (2)
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Coastal Development Permit or Land Use Permit

~~Fence Location~~	~~Permit Requirement~~		
	~~Exempt from Planning Permit (1)(2)~~	~~Coastal Development or Land Permit Required~~	~~Minor Conditional Use Permit Required(3)~~
~~Within required front setback~~	~~Fence 6 ft or less in height; gatepost 8 ft or less in height~~	~~Not Applicable; CDP Required Concurrent With Mnor CUP~~	~~Fence more than 6 ft high; gatepost more than 8 ft high~~
~~Within side and rear setbacks~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Not Applicable; CDP Required Concurrent With Mnor CUP~~	~~Fence more than 8 ft high; gatepost more than 10 ft high~~
~~Within interior lot setback 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; CDP Required Concurrent With Mnor CUP~~	~~Fence more than 6 ft high; gatepost more than 8 ft high~~
~~Within interior lot setback more than 20 ft from a street right-of-way~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Not Applicable; CDP Required Concurrent With Mnor CUP~~	~~Fence more than 8 ft high; gatepost more than 10 ft high~~
~~Outside of a required setback~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Fence more than 8 ft high; gatepost more than 10 ft high; CDP Required Concurrent With Mnor CUP~~	~~Not Applicable~~

Notes:

(1) Within the Coastal Zone, fences shall be exempt from the required Coastal Development Permit only if the development will:

a Not be located: between the first public road and the sea, within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff.~~; and~~

b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including existing informal trails ~~where there is substantive evidence of prescriptive rights)~~.~~; and~~

c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

d. Comply with the requirements for an exemption provided in Section 35.20.040.

If the fence does not meet all of the preceding criteria for an exemption, ~~than~~ then a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

(2) Within the Coastal Zone, a Coastal Development Permit is required to be processed concurrently with the Minor Conditional Use Permit.

(3) Fences and gateposts that are incidental, appropriate and subordinate to a use designated as a Principal

Permitted Use (PP) are also considered a Principal Permitted Use (PP).

Table 3-2 Fence ~~Height and~~ Permit Requirements in Agricultural Zones

Fence and/or Gatepost Location	Fence and/or Gatepost Height	Permit Requirement
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Exempt (1)
	Fence more than 6 ft high; gatepost more than 8 ft high	Coastal Development Permit or Land Use Permit
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Coastal Development Permit or Land Use Permit
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Exempt (1)
	Fence more than 6 ft high; gatepost more than 8 ft high	Coastal Development Permit or Land Use Permit
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Coastal Development Permit or Land Use Permit
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Exempt (1)
	Fence more than 8 ft high; gatepost more than 10 ft high	Coastal Development Permit or Land Use Permit

~~Fence Location~~	~~Permit Requirement~~		
	~~Exempt from Planning Permit (1)~~(2)	~~Land Use or Coastal Development Permit Required~~	~~Minor Conditional Use Permit Required~~ (3)
~~Within required front 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~~
~~Within side and rear setbacks~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Fence more than 8 ft high; gatepost more than 10 ft high~~	~~Not Applicable~~
~~Within interior lot setback 20 ft or less from a street right-of-way~~	~~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~~
~~Within interior lot setback more than 20 ft from a street right-of-way~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Fence more than 8 ft high; gatepost more than 10 ft high~~	~~Not Applicable~~
~~Outside of a required setback~~	~~Fence 8 ft or less in height; gatepost 10 ft or less in height~~	~~Fence more than 8 ft high; gatepost more than 10 ft high~~	~~Not Applicable~~

Notes:

(1) Within the Coastal Zone, fences shall be exempt from the required Coastal Development Permit only if the development will:

a. Not be located: between the first public road and the sea, within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff.~~; and~~

b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including existing informal trails ~~where there is substantive evidence of prescriptive rights~~).~~; and~~

c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

d. Comply with the requirements for an exemption provided in Section 35.20.040.C.1.

If the fence does not meet all of the preceding criteria for an exemption, ~~than~~ then a Coastal Development

Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

(2) Fences and gateposts that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) are also considered a Principal Permitted Use (PP).

35.30.160 *- Solar Panels - shall be modified as follows:*

35.30.160 - Solar ~~Panels~~ Energy Systems

A. Coastal Zone.

1. Roof mounted. Solar ~~panels~~ energy systems located on the roof of an existing lawfully established structure are exempt from design review and do not require planning permit approval, except where a Coastal Development Permit is required in compliance with Section 35.20.040.C.1 (Exemption from Planning Permit Requirements).

~~B.~~ **2. Freestanding.** Freestanding ~~S~~solar ~~panels~~ energy systems ~~located on the ground shall be classified as accessory structures, and~~ shall require the issuance of either a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) as applicable. Solar energy systems that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) are also considered a Principal Permitted Use (PP).

a. Development that may be appealed to the Coastal Commission. Applications for Coastal Development Permits for development which is defined as appealable development in compliance with State law (Public Resources Code Section 30603) that would normally be processed in compliance with Section 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals)) shall, in compliance with Government Code Section 65805.5(b), instead be processed in compliance with Section 35.82.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan).

(1) Notwithstanding the language of Section 35.106.020 (Notice of Public Hearing and Review Authority Action) and Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone), notice of the application and pending decision on the application shall be in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).

(2) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals), and shall also be subject to appeal to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

b. Development that may not be appealed to the Coastal Commission. Applications for Coastal Development Permits for development which is not defined as appealable development in compliance with State law (Public Resources Code Section 30603) shall be processed in compliance with Section 35.82.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan).

(1) Notice of the application and pending decision on the application shall be in compliance with Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone).

(2) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

35.34.100 *- Landscaping Requirements for Parking Areas - shall be modified as follows:*

In addition to the applicable landscaping requirements contained within Section 35.34.050 through Section 35.34.090 above, parking areas in all zones 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.

…

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. ~~Within the Inland area, l~~Landscape islands shall be provided at the ends of all parking lanes.

Table 3-4 *- Residential Parking Standards - shall be modified as follows:*

Notes:

(1) In the Single Family Restricted (SF) Overlay, an additional parking space shall be required for development that results in a total of more than 1,800 square feet of living space.

(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) One additional parking space shall be provided for each 80 square feet of cumulative excess area (from all units on site and/or associated with the development), calculated as follows:
Bedrooms, area in excess of 160 square feet per bedroom (excluding area devoted to closets)
Living room, area in excess of 400 square feet
Dining room, area in excess of 400 square feet
For each studio unit in excess of 500 square feet
Total area of any room not a bathroom, kitchen, bedroom, living or dining room or a meeting room if dwelling is occupied by non-profit organization

(4) Regardless of the number of bedrooms, lots of 7,500 square feet (net) require no more than 4 parking spaces provided no additional parking spaces are required due to excess area as calculated per (3) above.

(5) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

35.36.080 *- Standards for All Zones and Uses - shall be modified as follows:*

A. Bicycle parking requirements.

…

2. SR-M and SR-H zones. For residential development within the SR-M or SR-H zones bicycle parking shall be provided in compliance with Subsection 35.36.100.~~J~~H (Medium and High Density Student Residential (SR-M) and (SR-H) zones) below.

35.42.040 *- Agricultural Processing Facilities - shall be modified as follows:*

C. Permit requirements (Coastal Zone).

2. A Conditional Use Permit for an agricultural processing facility shall not be required under this Section if the facility is primarily devoted to the processing of products grown on the premises.

a. AG-I zone. On lots zoned AG-I this may include the processing of products ~~, which may include products~~ grown off-premises if accessory and customarily incidental to the marketing of the products in their natural form that are grown on premises.

35.42.140 *- Greenhouses - shall be modified as follows:*

A. **Purpose and applicability**. This Section provides standards for the establishment of greenhouses and greenhouse-related development where allowed by Article 35.2 (Zones and Allowable Land Uses).

35.62.040 *- Ridgeline and Hillside Development Guidelines - shall be modified as follows:*

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 35.82.070 (Design Review) for conformity with the development guidelines in Subsection C (Development guidelines) below.

1. **Exempt structures.** The following structures are exempt from these Ridgeline and Hillside Development guidelines. This does not exempt the development from planning permits.

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.

35.80.020 *- Authority for Land Use and Zoning Decisions*

…

B. **Applications subject to more than one review authority.**

…

3. This ~~Section~~ Subsection B shall not apply to applications for:

35.84.060 *- Revocations - shall be modified as follows:*

This Section provides procedures for revocation ~~or modification~~ of issued Coastal Development Permits, Land Use Permits and Zoning Clearances and approved Conditional Use Permits and Minor Conditional Use Permits. The County'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.

30. LCP Amendments

Chapter 35.104 *- Amendments - shall be modified as follows:*

35.104.010 *- 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 Implementation Plan of the Local Coastal Program. This Chapter does not provide guidance on any other necessary or associated Comprehensive Plan amendments, including the Coastal Land Use Plan, of the Local Coastal Program.

35.104.020 *- 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.** An amendment to this Development Code, which is a component of the Implementation Plan of the Local Coastal Program, ~~Amendment~~ may include revisions to

Development Code text or Zoning 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.

35.104.030 *- Initiation of Amendments*

An Amendment may only be initiated in the following manner:

A. **Board**. By a resolution of intention by the Board;

B. **Commission.** By a resolution of intention by the 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 effect 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.

35.104.040 *- Processing of Amendments*

A. **Application shall ensure consistency**. Any application for an amendment 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. In the Coastal Zone, an amendment to the Coastal Land Use Plan or other Comprehensive Plan component, may be necessary.

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, Commission, or Director, an Amendment application shall be filed and processed in compliance with Chapter 35.80 (Permit Application Filing and Processing).

D. **Application shall include a Preliminary Development Plan**. Unless the Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of a Preliminary Development Plan in compliance with Section 35.104.090 (Rezoning Requirements for Specific Zones) below.

ARC overlay (Agriculture - Residential Cluster)

HWMF overlay (Hazardous Waste Management Facility)

DR (Design Residential)

MHP (Mobile Home Planned Development)

MHS (Mobile Home Subdivision)

PRD (Planned Residential Development)

SLP (Small-lot Planned Development)

C-V (Resort/visitor Serving Commercial)

SC (Shopping Center)

OT-R (Old Town Residential)

PI (Professional and Institutional)

M-RP (Industrial Research Park)

M-1 (Light Industry)

M-2 (General Industry)

MU (Mixed Use)

PU (Public Works Utilities and Private Services Facility)

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 allowed use would become an allowed use, the Conditional Use Permit conditions of approval shall remain valid and in force, unless altered or deleted in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

35.104.050 *- Action on Amendments*

A. Commission's recommendation.

1. Public hearing required. The 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 35.106 (Noticing and Public Hearings).

2. Commission's recommendation for all Amendments. The Commission's recommendation shall be transmitted to the Board by resolution of the Commission carried by the affirmative votes of a majority of its total voting members.

3. Commission's recommendation for denial of Zoning Map Amendment. If the 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 Commission 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 Commission's recommendation shall include the reasons for the recommendation in compliance with the findings identified in Section 35.104.060 (Findings Required for Approval of Amendments) below.

B. Board hearing required.

1. Following the Commission's recommendation for approval or where a hearing has been requested in compliance with Subsection A.3 (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 35.106 (Noticing and Public Hearings).

C. Board's action on the proposed Amendment.

1. The Board may approve, modify, or deny the recommendation of the Commission in compliance with the findings identified in Section 35.104.060 (Findings Required for Approval of Amendments) below.

2. Any modification of the proposed Amendment by the Board not previously considered by the Commission during its hearing shall first be referred back to the Commission for report and recommendation.

3. The Commission shall not be required to hold a public hearing on the referral.

4. Failure of the 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 Section 35.51.020 (Voter Approval Required).

2. Measure A96 to terminate in 2021. This voter approval requirement was added to this Development Code in compliance with the Measure A96 voter approval initiative, passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

35.104.060 *- Findings Required for Approval of Amendments*

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 interests 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 practices.

35.104.070 *- Effective Dates*

A. Coastal Zone. ~~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.~~An Amendment to the certified Local Coastal Program shall become effective in compliance with Section 35.104.080 (Certification of Local Coastal Program Amendments), below.

B. Inland area. ~~Local Coastal Program~~ ~~An Amendment to the certified Local Coastal Program shall become effective in compliance with Section 35.104.080 (Certification of Local Coastal Program Amendments), below.~~ A Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance by the Board.

…

31. Attachments

Attachment 1 shall be amended to include an introduction as follows:

Introduction

This Attachment 1 is not adopted as part of or incorporated into the Land Use and Development Code and is not certified as part of the County's Local Coastal Program. This Attachment 1 includes summaries of policies from the adopted Community, Specific and Area plans only to serve as a resource to the user. The applicable policy or development standard reference is noted after each development standard summary. 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 applicable Community, Specific or Area plans. For Community, Specific or Area plans certified by the Coastal Commission as part of the Local Coastal Program, the precise language must be obtained from the applicable Community, Specific or Area plan.

Please refer to the applicable Community, Specific or Area plan for the entirety of the development standards, the policy framework from which the development standards were derived and any attachments, appendices or figures referenced within the applicable Community, Specific or Area plans development standards.

32. Surface Mining and Reclamation Act

35.82.160 - 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, Section 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 Article 35.11 (Glossary).

C. Incorporation of SMARA and State Regulations.

1. **Coastal Zone.** Within the Coastal Zone, 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 may be amended from time to time, are made part of this Section only following the certification by the Coastal Commission of an amendment to the County's Local Coastal Program to add these provisions and any amendments thereto.

2. **Inland area.** ~~The~~ Within the Inland area, 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 SMARA, the State Regulations, or Subsection D.1 (Exemptions) below, any person ~~(as defined in the State Regulations)~~ or operator who proposes

surface mining operations shall, before the commencement of any operations, obtain both a permit to mine in compliance with Article 35.2 (Zones and Allowable Land Uses) and approval of a Reclamation Plan in compliance with this Section, except that within the Coastal Zone, surface mining operations that are either exempt by the provisions of SMARA or are exempt in compliance with Subsection D.1, below, shall, at a minimum, require the approval and issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) that is appealable to the Coastal Commission unless the activity is determined to be exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

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~~:~~. However, other permits may be required in compliance with Article 35.2 (Zones and Allowable Land Uses).

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 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), as applicable, ~~and Grading Permit in compliance with Section 14.6 of County Code Chapter 14, the Grading Ordinance~~, ~~may~~ shall be required for excavations or extractions of more than 50 cubic yards unless the activity is determined to be exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).

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 associated with these structures, 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, Conditional Use Permit not required.** Surface mining operations may be conducted without a Conditional Use Permit provided the operator established the vested right to conduct surface mining operations and obtained an approved reclamation plan prior to July 1, 1990. 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 Coastal Development Permit, Conditional Use Permit, Minor Conditional Use Permit, Land 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 Commission and, thereafter, to the Board in compliance with Chapter 35.102 (Appeals).

(a) The determination of the Building Official is not considered a planning permit as defined in this Development Code and is therefore not subject to appeal to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).

(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 Commission in compliance with Chapter 35.102 (Appeals), within 10 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 Commission or, upon appeal, the Board.

(2) The decision of the 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**~~ **Planning permit and Reclamation Plan.** A (1) Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and/or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), as determined by Article 35.2, Zones and Allowable Land Uses, (2) a Reclamation Plan prepared in compliance with SMARA and

this Section, and (3) 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.

a. Coastal Zone.

(1) AG-II zone. In the Coastal Zone, surface mining operations on property zoned AG-II for building or construction material, including diatomaceous earth, are a permitted use requiring only a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits); however, any such operations that exceed 20,000 square feet shall require environmental review before the Coastal Development Permit may be approved.

(2) Appealable development. Surface mining operations are not considered a principal permitted use; therefore any Coastal Development Permit for surface mining operations approved in compliance with Section 35.82.050 (Coastal Development Permits) may be appealed to the Coastal Commission in compliance with Article 35.102 (Appeals).

2. ~~Coastal Development Permit or Land Use Permit required~~ Requirements prior to commencement of conditionally permitted uses.

a. Coastal Zone. ~~Except as provided in Subsection E.3 (Zoning Clearance required) below for Agricultural Soil Export Mining, a~~ A surface mine operator shall obtain a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), and/or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), ~~as applicable~~ in compliance with Section 35.82.060.G.1, prior to the initiation of mining and reclamation activities approved in compliance with 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.

~~3~~b. ~~Zoning Clearance required~~ Inland area. Any applicant for Agricultural Soil Export Mining shall obtain a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) prior to the initiation of mining and reclamation activities approved under a Minor Conditional Use Permit and Reclamation Plan. The same Zoning Clearance may also be used to implement a Reclamation Plan.

F. Application requirements. An application for a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, and/or Land Use Permit, and Reclamation Plan shall ~~include:~~ be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

~~1. The application forms provided by the Department and each of the informational items listed on the Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan application forms;~~

~~2~~1. The applications shall also include ~~D~~documentation of how the mining operation authorized under the proposed Conditional Use Permit or Minor 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~~2. A proposed Reclamation Plan ~~that~~ shall include~~s~~ all of the information required by SMARA Section 2772(c) and California Code of Regulations, Title 14, Section 3502, including 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.

3. Coastal Zone. If an application for a Conditional Use Permit or Minor Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal

Development Permit shall be processed concurrently and in conjunction with the application for the Conditional Use Permit and Reclamation Plan.

4. The Conditional Use Permit or Minor Conditional Use Permit application, the Coastal Development Permit application if applicable, 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 or Minor 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 or Minor Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the County shall notify the Director of the Department of Conservation of the filing of the application. (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 review authority.

2. Environmental review. ~~Upon a determination by the County that the applications are complete, the~~ After receipt of the applications for Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan, and if applicable, a Coastal Development Permit, the Department shall review the applications ~~approval shall be reviewed~~ in compliance with the requirements of the California Environmental Quality Act.

3. Public hearings.

a. Conditional Use Permit and Minor Conditional Use Permits.

(1) The review authority shall consider the Conditional Use Permit or Minor 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 35.106 (Noticing and Public Hearings).

(3) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(4) In the Coastal Zone, a decision of the Board to approve a Conditional Use Permit or Minor Conditional Use Permit in compliance with this Section may be appealed to the Coastal Commission in compliance with Chapter 35.102 (Appeals).

b. Reclamation Plan and financial assurances.

(1) Agricultural Soil Export Mining (Inland area only).

(a) The Department shall submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with an analysis of the proposed Reclamation Plan, financial assurances, or amendments and its certification that the documents and their content comply with all applicable State Regulations. (SMARA Section 2774(c))

(b) The Director of the Department of Conservation shall have 30 days from the date of receipt of the Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director of the California Department of Conservation so chooses. (SMARA Section 2774(d))

(c) The Zoning Administrator shall then consider the Reclamation Plan, financial assurances, or amendments and all comments received from the Director of the Department of Conservation that are submitted within the statutory comment period at a noticed public hearing and shall approve, conditionally approve or deny the Reclamation Plan and financial assurances.

(d) The Zoning Administrator 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))

(e) Copies of any written comments received and responses prepared by the Zoning Administrator shall be promptly forwarded to the surface mining operator.

(f) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(g) The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(h) 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 California Code of Regulations, Title 14, Section 3650.

(2) Mining other than Agricultural Soil Export Mining.

(a) Prior to taking final action on the Reclamation Plan, the 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.

(b) The 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))

(c) 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))

(d) The 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.

(e) The 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))

(f) Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the surface mining operator.

(g) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

(h) The final action of the Commission is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(i) Reclamation Plans for property located in the Coastal Zone are not defined as appealable development in compliance with State law (Public Resources Code Section 30603) and therefore the final action by the County on the Reclamation Plan may not be appealed to the Coastal Commission.

(j) 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 or Minor 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. See 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 or Minor 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 review authority to be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit or Minor 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 35.36 (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 review authority to be necessary for public safety.

(b) Excavations shall be posted to give reasonable public notice where determined by the review authority 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 review authority 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 35.34 (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 review authority.

(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 review authority approval.

I. Findings for approval.

1. Surface mining operations. In addition to the findings required for the approval of a Conditional Use Permit or Minor Conditional Use Permit by Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), a Conditional Use Permit or Minor Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the review authority 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 review authority 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. Any Reclamation Plan for Agricultural Soil Export Mining will reclaim the graded land solely for the purpose of agricultural activity, as defined in California Code of Regulations, Title 14, Section 3501.

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 review authority 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 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 or Minor 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~~ <u>any applicable Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Land Use Permit, Zoning Clearance</u> and/or Reclamation Plan.

<u>b. Any development authorized by the interim management plan shall be in conformance with the development approved by the applicable Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Land Use Permit, and/or Zoning Clearance for the surface mining operation for which the interim management plan is submitted.</u>

~~b~~<u>c</u>. 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~~<u>d</u>. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.

2. **Review authority review and decision.** The Commission shall be the review authority for an interim management plan associated with mining operation other than Agricultural Soil Export Mining and the Zoning Administrator shall be the review authority for an interim management plan associated with an Agricultural Soil Export Mining operation.

   a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the review authority 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 review authority shall approve or deny the revised interim management plan within 60 days of receipt of the plan.

      (3) An action of the review authority to deny the revised interim management plan may be appealed in compliance with Chapter 35.102 (Appeals).

3. **Time limit, extension.** The interim management plan shall remain in effect for a maximum of five years, at which time the review authority 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 allowed in compliance with this Section shall be the same as the time limit of the Conditional Use Permit or Minor 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 or Minor 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 or Minor Conditional Use Permit, the County shall follow the procedures for permit revocation and other enforcement actions specified in Section 35.84.060 (Revocations) and Chapter 35.108 (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 35.84 (Post Approval Procedures), and those related to appeals in Article 35.10 (Land Use and Development Code Administration), shall apply following the decision on an application for a Reclamation and Surface Mining Permit.

33. <u>Density Bonus</u>

Chapter 35.32 - Density Bonus for Affordable Housing - shall be modified as follows:

35.32.010 - 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 35.32.020 (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, 2003-2008 Housing Element Policy 1.1 (Density Bonus Program),~~

~~and the Housing Element Implementation Guidelines.~~

The purpose of this section is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code 65915 through 65918 are implemented (1) in a manner that is consistent with the policies the Comprehensive Plan including the Coastal Land Use Plan, and, specific to the Coastal Zone, (2) in a manner that is consistent with the policies of Chapter 3 of the Coastal Act.

35.32.020 - Applicability and Eligibility for Density Bonus, Incentives or Concessions

A. Applicability. This Section only applies to a "housing development", as defined in Government Code Section 65915(i), that comply with the following:

1. The development is for the type of housing specified in Government Code Section 65915(b)(1), (b)(2) or (b)(3).

2. The land use designations in the Comprehensive Plan including the Coastal Land Use Plan allow development of at least five residential units on the parcel or parcels where the project is located, and the project proposes a housing development of five or more dwelling units.

B. Eligibility for Density Bonus, Incentives or Concessions.

~~A~~1. Residential units.

a. Coastal Zone. Within the Coastal Zone, 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, provided that within the Coastal Zone the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.

b. Inland area. Within the inland area, the ~~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, 2003-2008 Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.

~~B~~2. Land donations and child care facilities.

a. Coastal Zone. 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, provided that within the Coastal Zone the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.

b. Inland area. Within the Inland area, the ~~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, 2003-2008 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.~~

35.32.030 - 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, 2003-2008 Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.~~

In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the Comprehensive Plan including the Coastal Land Use Plan and this Development Code. Within the Coastal Zone, "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the County's Local Coastal Program.

A. Bonus determination.

1. Coastal Zone. 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, provided that the project (as modified to include a density bonus) is found consistent with all applicable policies and provisions of the Local Coastal Program and provided that the density bonus is no greater than 50% above the base zone density.

2. Inland Area. 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 or Local Coastal Program Amendment, zoning change or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.32.040 - Allowed Incentives or Concessions

A. Applicant request and County approval.

1. Coastal Zone. Within the Coastal Zone, 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 a specific finding, pursuant to Government Code Sections 65915 through 65918, of any of the following:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915 (c).

b. The development incentive or concession, requested by an applicant in compliance with this section will have an adverse effect on coastal resources. If the County determines that the requested incentive or concession will have an adverse effect on coastal resources, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources.

c. The concession or incentive would be contrary to state or federal law, including implementation of the Coastal Act. Within the Coastal Zone, the project (as modified to include a density bonus, incentives, or concessions shall be consistent with all

applicable policies and provisions of the Local Coastal Program.

2. Inland area. Within the Inland area, an ~~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; and

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 ratios 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 or 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.

35.32.050 - Siting Criteria.

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

A. Coastal Zone. Density bonus projects shall be sited based on the following criteria:

~~A~~1. Land use and development standards. All uses of land ~~should~~ shall 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~~ Local Coastal Program~~Plan~~.

~~B~~2. Location of project. The site ~~should~~ shall be located within an existing Urban area as designated on the Comprehensive Plan maps.

~~C~~3. Access to transportation. All proposed development ~~should~~ shall be sited to provide maximum access to transit and alternative transportation services and facilities to the maximum extent feasible.

~~D~~4. Water and sewer service. Density bonus projects ~~should~~ shall be located in areas served by municipal water providers and municipal sanitary service providers.

5. All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.

B. Inland Area. Density bonus projects are encouraged to be sited based on the following criteria:

1. 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.

2. Location of project. The site should be located within an existing Urban area as designated on the Comprehensive Plan maps.

3. Access to transportation. All proposed development should be sited to provide maximum access to transit and alternative transportation services and facilities.

4. Water and sewer service. Density bonus projects should be located in areas served by municipal water providers and municipal sanitary service providers.

35.32.060 - Processing of Density Bonus and Incentive Request

A. Preliminary proposal ~~and formal application~~.

1. ~~Consistent with Government Code Section 65915(d) and Section 35.32.040 (Allowed Incentives or Concessions) above, prior~~ Prior to the submittal of a formal application, an applicant ~~should obtain~~ is encouraged to apply for a pre-application conference 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.

2. The pre-application conference or other preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application for the pre-application conference or other preliminary consultation 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~~a. Site information. The Assessor's Parcel Number, gross and net acreage, land use and zone designation of the project site.

~~2~~b. Number of units. The total number of units proposed ~~(~~not including ~~the~~ requested density bonus units~~)~~.

~~3~~c. Density bonus units. The number of density bonus units requested.

~~4~~d. Affordable units. The number of very low income, low income, moderate income and/or senior units proposed.

~~5~~e. Incentives. Any additional incentives requested.

~~6~~f. 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.

g. The information required to demonstrate that the project meets all requirements of Government Code Section 65915.

h. Information demonstrating that any requested incentive or concession is necessary in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Government Code section 65915(c).

i. Coastal Zone. If the project is located in the Coastal Zone, then the following additional information shall be submitted:

(1) A discussion of whether the method proposed by the applicant for accommodating the requested density bonus will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that the method proposed for accommodating a requested density bonus will have an

adverse effect on coastal resources, the applicant must submit an evaluation of: all feasible methods of accommodating the requested density increase, the effects of each method on coastal resources, and the method that avoids adverse impacts to coastal resources.

(2) A discussion of whether any incentive or concession requested by the applicant will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that an incentive or concession that is requested will have an adverse effect on coastal resources, the applicant must submit an evaluation of all feasible alternative incentives or concessions and their effects on coastal resources, and which of the feasible incentives or concessions avoids adverse impacts to coastal resources.

3. Within 45 days of receipt of a complete ~~written proposal~~ application for a pre-application or other preliminary consultation, 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. Application submittal. An formal application for a project that includes a request for a density bonus and/or other incentives or concessions, shall include all the information required in compliance with Subsection A.2., above, in addition to the standard application requirement for the specific type of application in compliance with Chapter 35.80 (Permit Application Filing and Processing). If this information was provided as part of an application for an application for a pre-application or other preliminary consultation, then this information may be used as part of the formal application provided the Department determines that the information is still accurate and applicable to the project that is the subject of the formal application.

C. Protection of coastal resources.

1. Within the Coastal Zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent with all otherwise applicable certified local coastal program policies and development standards. If the County approves development with a density bonus, the County must find that the development, if it had been proposed without the density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the County determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the County shall require that the density increase be accommodated by those means. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall require implementation of the means that avoids adverse impacts to coastal resources.

~~B~~D. 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~~E. 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~~F. Affordable housing agreement. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for ~~a density bonus project~~ any housing development where the County approves a density bonus, ~~each project~~ the owners 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 for the maximum period allowed by Government Code Sections 65915 through 65918 ~~or successor statute~~.

34. Sea Level Rise

The following new Section shall be added as Section 35.60.070 and the subsequent sections renumbered accordingly:

35.60.070 Coastal Hazards Analysis– Coastal Zone

The following standards are applicable within the Coastal Zone only. Development at nearshore sites shall comply with the following standards.

A. General requirements for coastal hazard analysis.

1. The best available scientific information with respect to the level of future sea level rise; the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations.

2. All development located at nearshore sites shall be analyzed for potential coastal hazards from erosion, flooding, wave attack, scour and other conditions in conjunction with sea level rise scenarios indicated below depending on the type of development, and shall also consider localized uplift or subsidence, tide range, wave climate, local topography, bathymetry, geologic conditions, and potential tsunami inundation areas.

3. All input parameters for hazard analysis shall be clearly described in the analysis and, if judgement was used to choose between a range of values, the basis for the selection should be provided.

4. The hazard analysis shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable.

Remaining Sections in 35.60 shall be renumbered to incorporate this section as 35.60.080.

35. Renumbering

All existing indices, section references, and figure and table numbers contained in Section 35-1, Santa Barbara County Land Use and Development Code, and Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, shall be revised and renumbered as appropriate to reflect the suggested modifications enumerated above.

36. Interim Montecito Zoning Code

Existing Article II (rather than the Countywide LUDC, if certified) shall apply to Montecito until and unless the Montecito LUDC is certified by the Coastal Commission as a separate zoning document through the LCP amendment process.

IV. STB-MAJ-1-09-B SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

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

1. Conformance with Suggested Modifications in LCPA 1-09-A

The Montecito LUDC shall be amended to conform with all applicable Suggested Modifications 1 – 36 as specified in LCP Amendment 1-09-A above, except as specifically modified by these suggested modifications for LCPA 1-09-B herein:

2. Montecito Community Plan Area Zones

Table 1-1 shall be revised as follows:

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter	County Area Where Zone May Be Applied
Agricultural Zones			
AG-I	Agricultural I	35.421	Coastal Zone only
Resource Protection Zones			
RMZ	Resource Management	35.422	Inland area only
Residential Zones			
E-1	Single Family Estate Residential	35.423	Coastal Zone & Inland area
R-1	Single Family Residential		Coastal Zone & Inland area
R-2	Two-Family Residential		Coastal Zone & Inland area
DR	Design Residential		Coastal Zone only
PRD	Planned Residential Development		Coastal Zone & Inland area
Commercial Zones			
CN	Neighborhood Commercial	35.424	Coastal Zone & Inland area
C-V	Resort/Visitor-Serving Commercial		Coastal Zone & Inland area
Special Purpose Zones			
PU	Public Utilities	35.425	Coastal Zone & Inland area
REC	Recreation		Coastal Zone & Inland area
TC	Transportation Corridor		Coastal Zone only
Overlay Zones			
AH	Affordable Housing	35.428	Inland area only
ESH	Environmentally Sensitive Habitat		Coastal Zone & Inland area
FA	Flood Hazard		Coastal Zone & Inland area
GMO	Growth Management Ordinance		Coastal Zone & Inland area
H-MON	Montecito Hillside		Inland area only

Zone Symbol	Name of Zone	Applicable Code Chapter	County Area Where Zone May Be Applied
SD	Site Design		Coastal Zone only
VC	View Corridor		Coastal Zone only

Note, All other modifications in LCPA 1-09-A Suggested Modification 1 shall apply as determined by LCPA 1-09-B Suggested Modification 1 above.

3. Allowed Land Use and Permit Requirements Tables

The "Allowed Land Uses and Permit Requirements" Tables for all zones in Article 35.2 shall be modified as shown in Exhibit 5, Modifications to Allowed Land Use and Permit Requirements.

Note, all other modifications in LCPA 1-09-A Suggested Modification 9 shall apply as determined by LCPA 1-09-B Suggested Modification 1 above.

4. Accessory Structures and Uses

Note, all other modifications in LCPA 1-09-A Suggested Modification 10 shall apply as determined by LCPA 1-09-B Suggested Modification 1 above. However, in addition to the changes in LCPA 1-09-A Suggested Modification 10, principal permitted accessory uses shall be identified for the one additional zone in the MLUDC, Neighborhood Commercial as follows:

35.424.030 – Commercial Zones Allowable Land Uses *-shall be modified as follows:*

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

1. **Accessory to a Principal Permitted Use within the Coastal Zone.** Accessory structures and uses that are incidental, appropriate and subordinate to a use designated as a Principal Permitted Use (PP) may be considered a component of the Principal Permitted Use, and permitted as a Principal Permitted Use, in compliance with the following:

   a. Accessory to the principal permitted commercial use. Except as provided in Subsection E.1.b., below, any structure and/or use that is customarily a part of, and clearly incidental and secondary to a commercial use, and does not change the character of the commercial use, may be permitted as a component of the Principal Permitted commercial use.**b. Accessory structures and uses listed separately.** Where an accessory structure or use is listed separately in Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) and the required permit is not designated as "PP" then it shall not be considered a component of the Principal Permitted Use and the decision of the review authority to approve or conditionally the application for the accessory use or structure is appealable to the Coastal Commission in compliance with Section 35.492.060 (Appeals to the Coastal Commission).

5. Neighborhood Commercial (CN)

The CN Zone shall not be identified as "Inland Area" only.

35.24.020.A *- Purposes of Commercial Zones -shall be modified as follows:*

A. **CN (Neighborhood Commercial) zone.** The CN zone is applied within the Coastal Zone and Inland area 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.

6. Affordable Housing Overlay

The Affordable Housing Overlay Section in the MLUDC shall not be modified as indicated in Suggested Modifications in LCPA 1-09-A above. Section 35.428.030, Affordable Housing (AH) Overlay Zone, shall be modified as follows:

35.428.030 *- Affordable Housing (AH) Overlay Zone*

A. Purpose and intent. The Affordable Housing (AH) overlay zone is applied within the Inland area ~~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.

…

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**~~**a. 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.

…

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.

…

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~~.

…

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:

…

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

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

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting a multi-component amendment (LCP Amendment 1-09-A and 1-09-B) to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to: (1) replace the certified Zoning Ordinance (Article II) with a new Land Use and Development Code (LUDC) for all certified areas within the County except for Montecito and (2) replace the certified Zoning Ordinance (Article II) with a separate Land Use and Development Code for the Montecito Planning Area-only, consisting of an independent, stand-alone, planning document; and (3) rezone two properties from General Commercial (C-2) to Neighborhood Commercial (NC).

These LCP Amendment requests are described in more detail below.

1. <u>STB-MAJ-1-09-A Countywide Land Use and Development Code</u>

Santa Barbara County has submitted a proposed amendment (Ordinance 4660, Exhibit 2) to the certified Local Coastal Program that would replace the existing certified Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP), known as Article II, with the new County Land Use and Development Code (CLUDC) that covers all certified portions of the County with the exception of the Montecito Planning Area. No uncertified areas (e.g., the Channel Islands) are proposed to be added by means of the amendments.

As proposed, LCP Amendment 1-09-A, the County Land Use and Development Code (CLUDC), includes the following overarching changes to the certified Zoning Ordinance:

- Removes language from the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) that specifically applies to the Coastal Zone portion of the Montecito Community Plan area.

- Incorporates procedures allowing for the approval of a Coastal Development Permit concurrent with the approval of a Conditional Use Permit or a Development Plan in order to limit the potential to appeal a project to the Coastal Commission.

- Shifts the jurisdiction over Coastal Development Permit applications in the Coastal Zone Appeals Jurisdiction from the Zoning Administrator to the Director when the requirement for a public hearing has been waived as allowed under Coastal Act Section 30624.9.

- Revises the building separation requirements for structures located within the EX-1 (One-Family Exclusive Residential) zone to be consistent with the existing requirements for the single-family residential (R-1/E-1) zone. The following table shows the proposed revisions.

Building separation	Existing	Proposed
Between a dwelling and guest house	50 ft.	None, except as required by Building Code
Between a dwelling or guest house and another accessory structure	10 ft. if 1-story structure	5 ft.
	15 ft. if 2-story structure	5 ft.

- Includes revisions to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to correct or clarify the existing text; for example, grammar, punctuation and spelling corrections, inclusion of the full title of the section in section references (e.g., having the text read Section 35.82.050, Coastal Development Permits, instead of just Section 35.82.050), revising the format of certain tables to be consistent throughout the Code, correcting section references, modifying Allowed uses and permit requirements, and re-phrasing some text.

- Retains all 24 of the existing certified zone districts: Agricultural I (AG-I), Agricultural II (AG-II), Coastal Dependent Industry (M-CD), Coastal Related Industry (M-CR), Density Student Residential (SR-H), Design Residential (DR), Highway Commercial (CH), Industrial Research Park (M-RP), Limited Commercial (C-1), Medium Density Student Residential (SR-M), Mobile Home Planned Development (MHP), Mountainous – Toro Canyon (MT-TORO), One Family Exclusive Residential (EX-1),Planned Residential Development (PRD), Professional and Institutional (PI), Public Works Utilities and Private Services Facility (PU), Recreation (REC), Resort/Visitor Serving Commercial (C-V), Resource Management (RMZ), Retail Commercial (R-2), Rural Residential (RR), Single Family Residential (R-1/E-1), Transportation Corridor (TC), and Two Family Residential (R-2).

- Adds 14 Inland-only zone districts: General Commercial (C-3), General Industry (M-2), Light Industry (M-1), Mixed Use (MU), Mobile Home Subdivision (MHS), Mountainous – Goleta (MT-GOL), Neighborhood Commercial (CN), Old Town Residential (OT-R), Old Town – Residential/Light Commercial (OT-R/LC), Old Town – Residential/General Commercial (OT-R/GC), Residential Ranchette (RR), Service Commercial (CS), Shopping Center (SC), and Small Lot Planned Development (SLP).

- Retains all 11 of the existing certified overlays: Agriculture – Residential Cluster (ARC), Affordable Housing (AH) Overlay, Airport Approach (F) Overlay, Carpinteria Agricultural (CA) Overlay, Design Control (D) Overlay, Environmentally Sensitive Habitat (ESH) Overlay, Flood Hazard Area (FA) Overlay, Hazardous Waste Management Facility (HWMF), Single Family (SF) Restricted, Site Design (SD) Overlay, and View Corridor (VC) Overlay.

- Adds 6 Inland-only overlay zones: Environmentally Sensitive Habitat Area – Goleta (ESH-GOL); Environmentally Sensitive Habitat Area – Toro Canyon (ESH-TCP), Growth Management Ordinance (GMO) Overlay, Highway 101 Corridor (HC) Overlay, Los Alamos Community Plan Overlay, Pedestrian Area – Old Town Orcutt (PA-OTO), Riparian Corridor – Goleta (RP-GOL) Overlay,

- Removes specific application requirements for planning permits and includes them on the applicable permit application forms.

- Reclassifies and reorganizes the types of land uses allowed in zone districts. This includes the renaming and reclassification of land use types into more intuitive and up-to-date terminology and a more efficient format, combined with the addition of hundreds of definitions within the glossary of the proposed CLUDC.

- Identifies categories of uses that are exempt from planning permits and specifies exemptions in the allowed land use tables.

The proposed CLUDC represents a reformat of the certified Zoning Ordinance as well as numerous substantive changes which are described more fully below.

a. <u>Format</u>

Most of the text in the County Land Use and Development Code (CLUDC) has been rephrased and/or rewritten from the certified language in the Article II Coastal Zoning Ordinance to accommodate the new format and style of the CLUDC, to provide greater clarity, and modernize the document. The following list identifies the changes that have been made to the existing text of the zoning regulations and are incorporated into the CLUDC.

Numbers

Numbers in text are expressed as words from one to nine, and in numeric form for 10 or more. The ordinance convention of repeating numbers in both word and numeric form (i.e. “fifty (50)”) is not used. Percentages are expressed using the “%” character only in tables and graphics, the word “percent” is used in the text.

Capitalization

In addition to normal capitalization conventions (proper names, etc.), and any words capitalized under “Terms” below, the following will be capitalized.

- Article, Section, and Subsection, when citing specifics.
- Names of County bodies and officials with responsibilities under the CLUDC (e.g., Board of Architectural Review, Board of Supervisors, Director, County Planning Commission, Montecito Planning Commission, Zoning Administrator).
- Permit types (e.g., Conditional Use Permit, Development Plan, Land Use Permit, Variance).

Terms

The following are conventions used for certain common terms and phrases. These terms and phrases are either defined in the CLUDC or are explained in the sections on interpretation.

- "**Board**" rather than "Board of Supervisors."
- "**Commission**" rather than "Planning Commission."
- "**Comprehensive Plan**" rather than "Santa Barbara County Comprehensive Plan." Also used instead of General Plan.
- "**County**" rather than "Santa Barbara County."
- "**Deny**" rather than "disapprove."
- "**Department**" rather than "Planning and Development Department."
- "**Development Code**" rather than "Land Use and Development Code."
- "**Director**" rather than "Planning and Development Director."
- "**e.g.**, the abbreviation for the Latin *"exempli gratia*,*"* or *"for example"* when meant to provide an indication of different types of uses.
- "**i.e.**," the abbreviation for the Latin *"id est.*" or *"that is"* when meant to restrict the uses to those enumerated.
- "**In compliance with**" rather than "pursuant to," "in accordance with," "under," etc.
- "**Lot**" rather than "parcel."
- "**One-family dwelling**" rather than "single-family dwelling unit."
- "**Review Authority**" when referring generically to the Board of Architectural Review, Board of Supervisors, County Planning Commission, Director, and Zoning Administrator.
- "**Setback**" rather than "yard."
- "**Structure, or structures**" rather than "buildings" or "buildings and structures" unless the term "building" is used to specifically address a roofed structure.
- "**Zone**" rather than "zoning district" or "zone district."

b. <u>Substantive Changes</u>

Specific section revisions

Agricultural Product Sales (35.42.050.C): Existing Article II Section 35-131.4.7 limits the requirement to obtain a permit from the Public Health Department for the sale of agricultural products to the sale of products on lots zoned R-1, R-2,

DR, PRD and CH. However, State law does not distinguish the need for a permit based on the zone. The CLUDC deletes these zone references from this section, thus ensuring consistency with State law.

Accessory Structures and Uses - Substandard Lots (35.23.040.B): The existing Article II ordinance allows dwellings to be constructed on lots that are substandard as to area (provided it is not a fraction lot) and width, but is silent as to whether such lots may have accessory structures and uses. Administrative practice has been to permit accessory structures and uses if otherwise allowed in that zone. The CLUDC will add new provisions to codify this practice.

Design Residential Zone Density (35.23.060): The Design Residential zone density tables in Article II Section 35-74.7 include criteria regarding both the number of dwelling units per gross acre and the gross land area per dwelling unit, e.g.:

District Designation	Dwelling Units per Gross Acre	Gross Land Area per Dwelling Unit (Square Feet)
DR-1.0	1.0	43,560
DR-1.8	1.8	24,200
DR-4.6	4.6	9,470
DR-12.3	12.3	3,540

The last column in the tables is the middle column expressed in square feet. This has been confusing as the table has been misread to require that, for example, in a DR-1.0 zone each residential lot must be one acre in area which defeats the whole purpose of the zone which allows for clustered development. In order to clarify these requirements, the CLUDC deletes the last column in the above table.

Family Day Care Homes - Large (35.42.100.B): Existing Article II Section 35-143.2.3 requires that a finding be made prior to approval that "The noise level [associated with the family day care home], including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan." The CLUDC deletes this requirement as there are no policies in the Noise Element that address this situation.

Glossary - Definition of Kennel, Animal Boarding (35.110.020): The existing definition of Kennel, Commercial and Kennel, Private in Article II Section 35-58 refers to animals that are "four months or older." The CLUDC revises the definition of "Kennel" to apply to animals that are "six months or older."

Lot Line Adjustments (35.30.110): The CLUDC deletes the provisional language regarding a specific exemption to the lot line adjustment development standards for the Naples Townsite which expired on July 10, 2006. The language, added pursuant to LCP Amendment 1-00, per the provision of Article II Section 35-134.3.b. states, in relevant part:

A. A Lot Line Adjustment application shall only be approved provided the following findings are made:

…

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.

…

b. The parcels involved in the adjustment are within the boundaries of an Official Map for the Naples Townsite adopted by the County pursuant to Government Code Section 66499.50 et seq. and the subject of an approved development agreement certified by the Commission as an amendment to the Santa Barbara County Local Coastal Program that sets forth the standards of approval to be applied to Lot Line Adjustments of existing adjacent parcels within the boundaries of the Naples Townsite Official Map. This exception provision shall expire 5 years after its effective date July 10, 2001 unless otherwise extended pursuant to a certified amendment to the Santa Barbara County Local Coastal Program. (emphasis added)

Nonconforming Structures - Environmentally Sensitive Habitat Areas (35.101.030.B.5.b(1)(b)): The existing requirements of Article II, Section 35-194.5.2 that apply to the reconstruction of nonconforming structures within the Toro Canyon area is unclear as the title of Subsection 2 references the reconstruction of nonconforming residential structures *within or adjacent to* an environmentally sensitive habitat area whereas the text of that subsection addresses residences that are located *within* an environmentally sensitive habitat *buffer* area or *adjacent to* an environmentally sensitive habitat area and does not mention location within the habitat area itself. The CLUDC proposes to modify the text of the subsection to apply the regulation to locations both within the habitat area and the adjacent habitat buffer area.

Nonconforming Structures - Reconstruction (35.101.030.B.6): Existing Article II Section 35-162.2.f requires the reconstruction, when allowed, of a damaged nonconforming structure to commence within 24 months of the time of the damage. The CLUDC adds a new provision to allow the Planning Director to grant a time extension of an additional 12 months for good cause Countywide.

Nonconforming Uses, Structures, and Lots - Destruction (35.101): Existing Article II Sections 35-161.5 and 35-162.2 allows the reconstruction of structures that are damaged by fire, flood, earthquake or other natural disaster. The CLUDC will add a provision to allow reconstruction to occur when the damage results from *vandalism or other calamity beyond the control of the owner of the structure* to be applied on a Countywide basis.

Performance Guarantees (35.84.020): The existing Article II ordinance does not contain procedures that relate to the acceptance and release of performance securities. The CLUDC adds new language that reflects existing County administrative practice regarding the appropriate types of performance

securities, when the release of performance securities is appropriate, when it is necessary to use the performance security to cause certain work to occur (e.g., when the applicant fails to implement a required condition of approval), etc.

Resource Management Zone (35.2): The CLUDC changes the abbreviation of the Resource Management zone from RES to RMZ that is currently used in Article II Section 35-42.5 in order to clarify that "RES" means residential.

Revocations (35.84.060): The existing Article II zoning ordinance does not include language that specifically provides that a permit may be revoked if the structure or use authorized by the permit is in violation of the provisions of the whole of the zoning ordinance. However, compliance with the ordinance is implicitly required as the permit would have had to be found consistent with the ordinance in order to approve the permit. The CLUDC includes new language that provides that violating the provisions of the CLUDC is grounds for revocation of the applicable permit.

Septic Systems (35.20.040.B.3.e.(2)): Existing Article II Section 35-147.2.f requires the approval of a minor Conditional Use Permit for "septic tanks and dry wells on all lots in designated Special Problems Areas for sewage disposal." The purpose of this requirement is to be able to address the potential for cumulative impacts resulting from the installation of new, additional private septic disposal systems. Consistent with administrative practice and a recommendation from the Public Health Department, the CLUDC includes new provisions which clarify that that the replacement of an existing system located in a Special Problems Area is exempt from permit requirements provided the replacement system is installed in substantially the same area as the existing system.

SR-M and SR-H bedroom area calculations (35.23.120.B): Existing Article II Sections 35-76.7 and 35-77.7 do not state whether closet area within a bedroom is included in the calculating the area of a bedroom for determining consistency with the bedroom density and parking requirements. According to the County, previous County administrative practice has been to exclude the area within closets that are attached to bedrooms provided they truly function as closets and do not provide additional living area. The CLUDC includes new language that specifically excludes such closet area from the bedroom area calculation.

Structural Separation (35.2): The existing language of the C-2 and PI zones in Article II (Sections 35-78.8 and 35-83.9) states that "residential buildings shall have a minimum distance of five feet from any other detached building on the same building site." The provisions of the "C-1" zone (Section 35-77A.8) require that "buildings devoted wholly or partially to a residential use shall have a minimum setback of five feet from any other detached building on the same building site." However, neither section specifically defines a "residential building" or a building "devoted to a residential use." Thus, the CLUDC will revise these two sections to clarify that "buildings containing dwellings shall be located a minimum of five feet from any other detached building on the same building site."

Subdivisions - Lot Size (35.30.180): The existing Article II ordinance does not specify that an existing lot shall not, unless otherwise provided for, (1) be subdivided except in compliance with the minimum lot area and width requirements of the zone where the lot is located, and (2) if the lot already has less area and width than required by the zone, that it shall not be further reduced in area. This requirement, however, is specifically reflected in the County's Subdivision Regulations (Chapter 21 of the County Code). Therefore, in order to clarify this requirement, the CLUDC revises this section to specify that this standard shall apply to any proposed subdivision of land within the Coastal Zone.

Time Extensions - Findings (35.74.050): The existing Article II ordinance does not specify that, when a time extension for a Conditional Use Permit or Development Plan, may only be approved if all the findings for approval that were adopted when the permit was initially approved can still be made. However, this has been the County's practice since the approval of a time extension is a discretionary action and the extension should not be approved unless the project is still consistent with those findings. Coastal Development Permits and Land Use Permits are presently subject to this requirement. The CLUDC includes new specific language that requires the review authority, in approving or conditionally approving a time extension, to determine that the original findings of approval can still be made.

Zoning Enforcement - Investigation (35.108.020.B): Existing Article II Section 35-185.1.3 gives the Director the ability to enter at all reasonable times any building, structure, or premise in the County of Santa Barbara for the purpose of carrying out any act necessary to perform any duty imposed by the zoning ordinance. The CLUDC will revise the text of this section to require the consent of the property owner prior to entry in order to be consistent with current practice and State law. If entry is refused, then the County's current procedure is to obtain an inspection warrant through the courts. Additionally, the CLUDC adds other new provisions that reflect the County's current administrative practices and which provide that:

- Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the County officials handling the application access to any premises or property which is the subject of the application; and,

- If the permit is approved, the owner or applicant shall allow appropriate County officials access to the premises in order to determine compliance with the approved permit and/or any conditions of approval imposed on the permit.

Zoning Enforcement - Recovery of Costs (35.108.070): Existing Article II Sections 35-185.6.4 and 35-185.6.5 contains the complete text of notices that are to be used to notify owners that a violation is being investigated and that

processing fees will be charged for the time spent abating the violation, if one is found to exist, and the procedure to appeal those charges. The CLUDC deletes the complete text and substitutes it with a listing of the informational items that must be covered in a notice to any owner to property advise them of their rights and responsibilities.

Zoning Map Amendments (35.104.050.A): Existing Article II Section 35-180.5 requires that an appeal of a Planning Commission recommendation for denial of an application for a zoning map amendment (rezone) be filed with the County within five days of the decision. The CLUDC will extend the deadline for appeals specified by this section in order to provide a 10-day appeal period consistent with the time period for other types of appeals pursuant to the LUDC.

Modifications to the introductory matter regarding the applicability, interpretation, and means of resolving conflicts within the Coastal Zone.

Addition of language to exempt new cultivated agriculture, orchards and vineyards from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); all residential zones except Planned Residential Development (PRD) & Mobile Home Planned Development (MHP); two industrial zones Coastal Related Industry (M-CR) & Coastal-Dependent Industry (M-CD); & lands zoned Public Works Facilities and Private Services Facility (PU).

Addition of language to exempt new grazing from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); Resource Management (RMZ); two industrial zones M-CR & M-CD; and lands zoned PU.

Addition of language to identify animal keeping permit requirements or exemptions for each zone district. The certified LCP does not uniformly identify animal keeping provisions for all zone districts. The proposed language fills in gaps where current LCP does not specify guidelines and in many cases provides that animal keeping is exempt, whereas the certified LCP often identifies such activities as “Permitted Uses” requiring a permit.

Incorporation of standards for signs, flags, and similar devices from other County Codes, directly into the LUDC, including exemptions from permit requirements.

Complete revision of the ‘Density Bonus for Affordable Housing’ section to remove the performance standards, create a more general framework, and allow flexibility for the standards to change with state density bonus law.

Addition of “Use Determination” procedures for evaluating proposed land uses that are not specifically enumerated within a zone but may be allowed if they are found to be similar in character to those uses that are already specified as permitted uses within that zone.

Addition of a Zoning Clearance Procedure within the Coastal Zone. In the Coastal Zone, Zoning Clearances are primarily intended to evidence that development conforms to the conditions of approval established by a Coastal Development Permit where a Conditional Use Permit or Development Permit is processed concurrently with the CDP.

Complete revision of the 'Reclamation and Surface Mining Permit' section to provide more detailed procedures, standards, information requirements and findings to conform to the California Surface Mining and Reclamation Act of 1975 (SMARA), as amended.

Re-designation of land use type 'Mining – Surface less than 1,000 cu. yds.' from requiring a Major Conditional Use Permit to a permitted use in all resource management zones, all residential zones, all commercial zones, all industrial zones, and all special purpose zones.

Elimination of certified language through lack of incorporation into the LUDC, including suggested modifications, from three previous LCP Amendments: 1-05-A (Board of Architectural Review), 1-05-C (Telecommunications), and 2-06 (Noticing and Appeals).

Addition of specificity with regard to processing time extensions, including when hearings will occur on an application for a time extension and allowed for waiver of the public hearing consistent with the Coastal Act.

Addition of specificity with regard to procedures for revocation of Conditional Use Permits.

Addition of a new section establishing procedures and requirements for Development Agreements.

Removal of application contents for various applications in order to maintain flexibility in requirements at the time of application and site-specific circumstances.

Addition of a new section called 'Administrative Responsibility' to outline the authority and responsibilities of staff and decision-making bodies.

Glossary

The CLUDC adds approximately 270 new definitions for clarity in interpreting the new document, particularly definitions of each "use type" regulated within the County. Additionally, approximately 90 definitions have been modified from the language in the existing certified LCP. Where specific differences occur between Coastal or Inland terms, these have been clearly called out within CLUDC Chapter 35.110 (Glossary).

State Law

In addition to the changes noted above, the following new regulations are proposed to be added as part of the CLUDC to reflect new regulatory requirements mandated by State law:

Mobile home Parks allowed with a Conditional Use Permit in all residential zones (CLUDC Chapter 35.23 - Residential Zones): Section 65852.7 of the Government Code mandates that a mobile home park is deemed a permitted land use on all land zoned residential. This code section allows local jurisdictions to require a conditional use permit for mobile home parks. This has been a feature of state law since 1981; however, the Article II zoning ordinance was never amended to reflect this requirement. To implement this requirement of the Government Code, the CLUDC land use tables associated with the residential zones (e.g., CLUDC Chapter 35.23 - Residential Zones, Tables 2-7 through 2-9) include Mobile Home Parks as being allowed in residential zones subject to the approval of a Conditional Use Permit by the Planning Commission.

Recycling facilities in multi-residential and non-residential projects (Section 35.30.170 - Solid Waste & Recycling Storage Facilities): Assembly Bill 2176, chaptered in 2004, amended Sections 42900 through 42911 of the Public Resources Code to require local jurisdictions to adopt regulations that require non-residential projects, residential projects involving five or more units, single-family subdivision having five or more lots, and public facilities to provide adequate areas for collecting and loading recyclable materials. To implement the requirements of the Public Resources Code, Section 35.30.170 is added to the CLUDC in order to require the provision of adequate area for the collection and loading of recyclable materials.

Solar energy systems permit process (Section 35.82.070 - Design Review): Assembly Bill 2473, chaptered in 2004, amended Section 65850.5 of the Government Code to require that local jurisdictions approve the installation of private solar energy systems through the issuance of a ministerial permit. To implement the requirements of Government Code 65850.5, the CLUDC would add new provisions to specify that solar energy systems are exempt from design review.

Storm water runoff requirements (Section 35.30.180 - Storm Water Runoff Requirements): In December 1999, the EPA promulgated Phase II regulations of the storm water program of the National Pollutant Elimination System (NPDES) under the Clean Water Act. The regulations address storm water pollution control for small municipalities and small construction activities (site of one to five acres) and have been incorporated into the proposed CLUDC.

Subsequent County Amendments to the CLUDC:

In addition, subsequent to the County's completion of the new County Land Use and Development Code (CLUDC), the Board of Supervisors passed additional ordinances regarding road naming, septic systems, time extensions, overall sign plans, and special care homes that were not included within the County's original submittal of the CLUDC to the Commission. Santa Barbara County has since revised the originally proposed CLUDC to incorporate these more recently adopted ordinances (Ordinances 4673 and 4680, Exhibit 2) as part of this proposed amendment to the certified Local Coastal Program, which includes the following:

Road Naming and Renaming, Naming of a new road created by a subdivision: *Existing process.* When a subdivision is being reviewed and new roads are proposed, the applicant will typically submit the names for new roads as part of the tentative map application. The road names are then noticed and reviewed along with the tentative map and shown on the recorded map. However, the applicant may elect to wait on naming the new roads until after the tentative map is approved. In this latter situation the existing regulations require that a separate application be submitted and that the Director of the Planning and Development Department approve or deny the proposed names. There is no required notice of this action by the Director; however, the Director's action may be appealed to the Planning Commission and Board of Supervisors.

Proposed process. The effect of the ordinance is to require that names for new roads created by subdivisions be required to be submitted and reviewed at the same time that the subdivision is also reviewed.

Road Naming and Renaming, Naming or renaming an existing road. *Existing process.* The current regulations provide that the naming or renaming of an existing road is under the jurisdiction of the County Zoning Administrator such that notice and a public hearing is required. The decision of the County Zoning Administrator may be appealed to the County Planning Commission, and their decision may be appealed to the Board of Supervisors.

Proposed process. The effect of the ordinance is to implement a "waived hearing" process similar to that currently used for certain Coastal Development Permits, i.e., after public notice of the intention to waive the hearing, if no one requests a hearing, the jurisdiction would shift to the Director. An appeal by the applicant of the Director's decision would only be allowed if the name is denied. If that is the case, then an appeal would be heard by the County Planning Commission with the possibility of further appeal to the Board of Supervisors.

Septic Systems. *Existing process.* Certain portions of the County are designated as Special Problem Areas due to constraints on development relative to drainage, waste water disposal, access road width, geologic and soil conditions, etc. Within the Coastal Zone, areas designated as Special Problems Areas are Naples and Summerland. The concern regarding new septic systems in Special Problem Areas relates primarily to the need to implement the State

Water Control Board Basin Plan and to protect groundwater, particularly outside the Urban-Rural boundary where municipal sewage disposal is typically not available.

All permit applications for development located in a Special Problems Area is reviewed by the Special Problem Area Review Committee which is composed of representative from the Fire Department, the Planning and Development Department, the Public Works Department, and the Public Health Department. The County Land Use and Development Code currently requires the approval of a Minor Conditional Use Permit (MCUP) for new individual septic disposal systems proposed to be located in Special Problem Areas that are designated as such due to sewage disposal constraints. After technical staff (i.e., the Special Problem Area Review Committee that includes a representative from the Environmental Health Services Division of the Public Health Department) reviews the application, it is acted on by the Zoning Administrator in a noticed public hearing.

Proposed process. The effect of the ordinance is to delete the requirement for a MCUP for new individual septic disposal systems proposed within Special Problem Areas. A Coastal Development Permit would still be required for new development in these areas after review by the Special Problems Area Review Committee. Neighbors would still receive notice of the pending permit for the septic system and could appeal any approval to the Planning Commission with the possibility of further appeal to the Board of Supervisors.

Time Extensions. *Existing process.* Time extensions for discretionary projects are currently under the authority of the review authority that has jurisdiction over the project for which the time extension is sought. The review authority, in order to approve the time extension, must be able to make the same findings required for approval that were made when the project was initially approved. Time extensions are subject to CEQA and require a public hearing. The action of the review authority may be appealed.

Proposed process. The effect of the ordinance is to implement a “waived hearing” process for time extension requests, similar to that currently used for certain Coastal Development Permits, i.e., after public notice of the intention to waive the hearing, if no one requests a hearing, the jurisdiction for the requested time extension would shift to the Director. An appeal of the Director’s decision to the County Planning Commission would be allowed in all cases. The decision of the County Planning Commission on the appeal may appealed to the Board of Supervisors.

Overall Sign Plans. *Existing process.* Under the existing regulations, Overall Sign Plans, which are required for all shopping centers, may be submitted after action on the Development Plan for the shopping center has already occurred. This requires the submission of a new application and payment of new fees, and a new public hearing on the Overall Sign Plan before the County Zoning Administrator.

Proposed process. The effect of the ordinance is to require that applications for Overall Sign Plans be submitted concurrently with the application for the Development Plan for the shopping center so that they are heard at the same time by the same review authority that has jurisdiction over the Development Plan for the shopping center. Design review for the Overall Sign Plan would occur along with the design review for the shopping center. The names of the proposed retail outlets would not have to be specified at this time, only the size(s), colors, materials and locations of the individual signs. Changes to an approved Overall Sign Plan would be accommodated in the same manner as changes to an approved Development Plan, e.g., through a substantial conformity determination or amendment approved by the Director, or, if the change is extensive, through a revised Overall Sign Plan that would be heard by the review authority having jurisdiction over the Development Plan for the shopping center.

Special Care Homes. *Existing process.* The County Land Use and Development Code currently permits special care homes serving 14 or fewer clients pursuant to issuance of a Coastal Development Permit whereas a home serving 15 or more clients also requires issuance of a Minor Conditional Use Permit (MCUP) in addition to a Coastal Development Permit. The proposed ordinance would lower the threshold for when a MCUP would be required to seven clients.

Proposed process. The effect of the ordinance is to revise the permit requirements so that special care homes serving 6 or fewer clients may be allowed with a Coastal Development Permit whereas a home serving 7 or more clients would require both a Minor Conditional Use Permit (MCUP) and a Coastal Development Permit.

Temporary Sales Offices in New Subdivisions. This portion of Ordinance No. 4680 does not apply in the Coastal Zone.

2. STB-MAJ-1-09-B, Montecito Land Use and Development Code

Santa Barbara County has submitted a proposed amendment (Ordinance 4660, Exhibit 2) to the certified Local Coastal Program that would replace the existing certified Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP), known as Article II, with a standalone comprehensive Montecito Land Use and Development Code (MLUDC) that applies to both the Coastal Zone and non-Coastal Zone portions of the Montecito Community Plan area. The MLUDC includes and replaces only the relevant segments of the certified Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) that are applicable to the Montecito Community Plan area, including zone districts and development standards that are applicable to the Montecito Plan Area as well as planning permit and administrative procedures.

LCP Amendment 1-09-B, the Montecito Land Use and Development Code, includes the

following overarching changes to the certified Zoning Ordinance as it applies to the Montecito Community Plan area:

- Removes sections of the certified Zoning Ordinance that do not apply to the Montecito Community Plan area based on the current zones, overlays, and resources that are present in the Montecito Community Plan area.

- Incorporates procedures requiring review and approval of a Coastal Development Permit concurrent with the review and approval of a Conditional Use Permit or a Development Plan in order to limit the potential for appeals of multiple separate discretionary actions for the same project to the Coastal Commission.

- Shifts the jurisdiction over Coastal Development Permit applications in the Coastal Zone Appeals Jurisdiction from the Montecito Planning Commission to the Director when the requirement for a public hearing has been waived as allowed under Coastal Act Section 30624.9.

- Includes several revisions to the certified Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to correct or clarify the existing text; for example, grammar, punctuation and spelling corrections, inclusion of the full title of the section in section references (e.g., having the text read Section 35.472.050, Coastal Development Permits, instead of just Section 35.472.050), revising the format of certain tables to be consistent throughout the Code, correcting section references, modifying Allowed uses and permit requirements, and re-phrasing of some text.

- Eliminates all references to oil and gas facilities as there are no applicable or potential oil and gas related sites in the Montecito Community Plan area.

- Retains the following 10 zone districts: Agricultural I (AG-I), Design Residential (DR), Planned Residential Development (PRD), Public Works Utilities and Private Services Facility (PU), Recreation (REC), Resort/Visitor Serving Commercial (C-V), Resource Management (RMZ), Single Family Residential (R-1/E-1), Transportation Corridor (TC), and Two Family Residential (R-2).

- Eliminates the following 13 zone districts from the MLUDC because there are no properties within the Montecito Plan Area that include the zone: Agricultural II (AG-II), Coastal Dependent Industry (M-CD), Coastal Related Industry (M-CR), Density Student Residential (SR-H), Highway Commercial (CH), Industrial Research Park (M-RP), Limited Commercial (C-1), Medium Density Student Residential (SR-M), Mobile Home Planned Development (MHP), Mountainous – Toro Canyon (MT-TORO), One Family Exclusive Residential (EX-1), Professional and Institutional (PI), and Rural Residential (RR).

- Re-designates the Resource Management (RMZ) to apply to the Inland Area only because there are no properties within the Coastal Zone portion of the

Montecito Plan Area that include that zone.

- Retains the following six overlay districts: Affordable Housing (AH) Overlay, Environmentally Sensitive Habitat (ESH) Overlay, Flood Hazard Area (FA) Overlay, Site Design (SD) Overlay, and View Corridor (VC) Overlay, and the certified Growth Management Ordinance (GMO) Overlay to identify areas where a growth management ordinance has been adopted due to infrastructure, public service, and resource constraints.

- Deletes the following six overlay districts because there are no properties in the Montecito Plan area that have this overlay: Agriculture – Residential Cluster (ARC), Airport Approach (F) Overlay, Carpinteria Agricultural (CA) Overlay, Design Control (D) Overlay, Hazardous Waste Management Facility (HWMF), and Single Family (SF) Restricted.

- Re-designates the Affordable Housing (AH) Overlay to apply to the Inland Area only because there are no properties within the Coastal Zone portion of the Montecito Plan Area that include that zone.

- Adds one Inland-only overlay district: Montecito Hillside (H-MON).

- Removes references to Special Problem Areas within the Coastal Zone in the Montecito Planning Area because no Special Problems Areas are located within the Coastal Zone.

- Reclassifies and reorganizes the types of land uses allowed in zone districts. This includes the renaming and reclassification of land use types into more intuitive and up-to-date terminology and a more efficient format, combined with the addition of definitions within the glossary. There are fewer types of zones assigned to properties within the Montecito Planning Area and therefore significantly fewer land use types and associated definitions were added within the MLUDC.

- Identifies categories of uses that are exempt from planning permits and specifies exemptions in the allowed land use tables.

In addition, the MLUDC includes the following changes in order to accommodate a proposed rezone of two Montecito parcels [APNS: 009-230-025 and 009-230-026 as shown on Exhibit 3 will be rezoned pursuant to this proposed amendment from “Retail Commercial (C-2)” to “Neighborhood Commercial (CN)” as discussed more fully in Subsection 3 below]:

- Deletion of the Retail Commercial (C-2) zone designation; and

- Addition of one new zone to the MLUDC to apply within the Coastal Zone: Neighborhood Commercial (CN). This zone does not presently exist within the certified LCP.

The proposed MLUDC represents a reformat of the certified Zoning Ordinance as well as numerous substantive changes which are described more fully below.

a. <u>Format</u>

Most of the text in the Montecito Land Use and Development Code (MLUDC) has been rephrased and/or rewritten from the certified language in the Article II Coastal Zoning Ordinance to accommodate the new format and style of the MLUDC, to provide greater clarity, and modernize the document. The following list identifies the changes that have been made to the existing text of the zoning regulations and are incorporated into the MLUDC.

Numbers

Numbers in text are expressed as words from one to nine, and in numeric form for 10 or more. The ordinance convention of repeating numbers in both word and numeric form (i.e. "fifty (50)") is not used. Percentages are expressed using the "%" character only in tables and graphics, the word "percent" is used in the text.

Capitalization

In addition to normal capitalization conventions (proper names, etc.), and any words capitalized under "Terms" below, the following will be capitalized.

- Article, Section, and Subsection, when citing specifics.
- Names of County bodies and officials with responsibilities under the CLUDC (e.g., Board of Architectural Review, Board of Supervisors, Director, County Planning Commission, Montecito Planning Commission, Zoning Administrator).
- Permit types (e.g., Conditional Use Permit, Development Plan, Land Use Permit, Variance).

Terms

The following are conventions used for certain common terms and phrases. These terms and phrases are either defined in the CLUDC or are explained in the sections on interpretation.

- "**Board**" rather than "Board of Supervisors."
- "**Commission**" rather than "Planning Commission."
- "**Comprehensive Plan**" rather than "Santa Barbara County Comprehensive Plan." Also used instead of General Plan.
- "**County**" rather than "Santa Barbara County."
- "**Deny**" rather than "disapprove."
- "**Department**" rather than "Planning and Development Department."
- "**Development Code**" rather than "Land Use and Development Code."

- "**Director**" rather than "Planning and Development Director."
- "**e.g.**, the abbreviation for the Latin *"exempli gratia,"* or *"for example"* when meant to provide an indication of different types of uses.
- "**i.e.**," the abbreviation for the Latin *"id est."* or *"that is"* when meant to restrict the uses to those enumerated.
- "**In compliance with**" rather than "pursuant to," "in accordance with," "under," etc.
- "**Lot**" rather than "parcel."
- "**One-family dwelling**" rather than "single-family dwelling unit."
- "**Review Authority**" when referring generically to the Board of Architectural Review, Board of Supervisors, County Planning Commission, Director, and Zoning Administrator.
- "**Setback**" rather than "yard."
- "**Structure, or structures**" rather than "buildings" or "buildings and structures" unless the term "building" is used to specifically address a roofed structure.
- "**Zone**" rather than "zoning district" or "zone district."

c. <u>Substantive Changes</u>

Specific Section Revisions

Accessory Structures and Uses - Substandard Lots (35.423.040.B): The existing language of Article II allows dwellings to be constructed on lots that are substandard as to area (provided it is not a fraction lot) and width, but is silent as to whether such lots may have accessory structures and uses. Administrative practice has been to permit accessory structures and uses if otherwise allowed in that zone. The MLUDC will add new provisions to codify this practice.

Design Residential Zone Density (35.423.060): The Design Residential zone density tables in Article II Section 35-74.7 include criteria regarding both the number of dwelling units per gross acre and the gross land area per dwelling unit, e.g.:

District Designation	Dwelling Units per Gross Acre	Gross Land Area per Dwelling Unit (Square Feet)
DR-1.0	1.0	43,560
DR-1.8	1.8	24,200
DR-4.6	4.6	9,470
DR-12.3	12.3	3,540

The last column in the tables is the middle column expressed in square feet. This has been confusing as the table has been misread to require that, for example, in a DR-1.0 zone each residential lot must be one acre in area which defeats that whole purpose of the zone which allows for clustered development. In order to clarify these requirements, the MLUDC deletes the last column in the above table.

Family Day Care Homes - Large (35.442.070.B): Existing Article II Section 35-143.2.3 requires that a finding be made prior to approval that "The noise level [associated with the family day care home], including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan." The MLUDC deletes this requirement as there are no policies in the Noise Element that address this situation.

Glossary - Definition of Kennel, Animal Boarding (35.500.020): The existing definition of Kennel, Commercial and Kennel, Private in Article II Section 35-58 refers to animals that are "four months or older." The MLUDC revises the definition of Kennel to apply to animals that are "six months or older."

Nonconforming Structures - Reconstruction (35.491.030.B): Existing Article II Section 35-162.2.f requires the reconstruction, when allowed, of a damaged nonconforming structure to commence within 24 months of the time of the damage. The MLUDC adds a new provision to allow the Planning Director to grant a time extension of an additional 12 months for good cause.

Nonconforming Uses, Structures, and Lots - Destruction (35.491): Existing Article II Sections 35-161.5 and 35-162.2 allows the reconstruction of structures that are damaged by fire, flood, earthquake or other natural disaster. The MLUDC will add an a provision to allow reconstruction to occur when the damage results from fire, flood, earthquake, *vandalism or other calamity beyond the control of the owner of the structure*.

Performance Guarantees (35.474.020): The existing Article II ordinance does not contain procedures that relate to the acceptance and release of performance securities. The MLUDC adds new language that reflects existing County administrative practice regarding the appropriate types of performance securities, when the release of performance securities is appropriate, when it is necessary to use the performance security to cause certain work to occur (e.g., when the applicant fails to implement a required condition of approval), etc.

Resource Management Zone (35.2): The MLUDC changes the abbreviation of the Resource Management Zone from RES to RMZ that is currently used in Article II Section 35-42.5 in order to clarify that "RES" means residential.

Revocations (35.474.060): The existing Article II zoning ordinance does not include language that specifically provides that a permit may be revoked if the structure or use authorized by the permit is in violation of the provisions of the whole of the zoning ordinance. However, compliance with the ordinance is implicitly required as the permit would have had to be found consistent with the ordinance in order to approve the permit. The MLUDC includes new language that provides that violating the provisions of the MLUDC is grounds for revocation of the applicable permit.

Subdivisions - Lot Size (35.430.190): The existing Article II ordinance does not

specify that an existing lot shall not, unless otherwise provided for, (1) be subdivided except in compliance with the minimum lot area and width requirements of the zone where the lot is located, and (2) if the lot already has less area and width than required by the zone, that it shall not be further reduced in area. This requirement, however, is reflected in the County's Subdivision Regulations (Chapter 21 of the County Code). Therefore, in order clarify this requirement, the MLUDC revises this section to specify that this standard shall apply to any proposed subdivision of land within the Coastal Zone.

Time Extensions - Findings (35.474.030): The existing Article II ordinance does not specify that a time extension for a Conditional Use Permit or Development Plan, may only be approved if all the findings for approval that were adopted when the permit was initially approved can still be made. However, this has been the County's practice since the approval of a time extension is a discretionary action and the extension should not be approved unless the project is still consistent with those findings of approval. Coastal Development Permits and Land Use Permits are presently subject to this requirement. The MLUDC includes new specific language that requires the review authority, in approving or conditionally approving a time extension, to determine that the original findings of approval can still be made.

Zoning Enforcement - Investigation (35.498.020.B): Existing Article II Section 35-185.1.3 gives the Director the ability to enter at all reasonable times any building, structure, or premise in the County of Santa Barbara for the purpose of carrying out any act necessary to perform any duty imposed by the zoning ordinance. The MLUDC revises the text of this section to require the consent of the property owner prior to entry in order to be consistent with current practice and State law. If entry is refused, then the County's current procedure is to obtain an inspection warrant through the courts. Additionally, the MLUDC contains new language that reflects the County's current administrative practices and which provides that:

- Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the County officials handling the application access to any premises or property which is the subject of the application; and,

- If the permit is approved, the owner or applicant shall allow appropriate County officials access to the premises in order to determine compliance with the approved permit and/or any conditions of approval imposed on the permit.

Zoning Enforcement - Recovery of Costs (35.498.070): Existing Article II Sections 35-185.6.4 and 35-185.6.5 contains the complete text of notices that are to be used to notify owners that a violation is being investigated and that processing fees will be charged for the time spent abating the violation, if one is found to exist, and the procedure to appeal those charges. The MLUDC deletes

the complete text and substitutes it with a listing of the informational items that must be covered in a notice to any owner to property advise them of their rights and responsibilities.

Zoning Map Amendments (35.494.050.A): Existing Article II Section 35-180.5 requires that an appeal of a Planning Commission recommendation for denial of an application for a zoning map amendment (rezone) be filed with the County within five days of the decision. The MLUDC will extend the deadline for appeals specified by this section in order to provide a 10-day appeal period consistent with the time period for other types of appeals pursuant to the MLUDC.

Modifications to the introductory matter regarding the applicability, interpretation, and means of resolving conflicts within the Coastal Zone.

Addition of language to exempt new cultivated agriculture, orchards and vineyards from the requirement to obtain a Coastal Development Permit in various agricultural, residential, commercial, and special purpose zones.

Addition of language to exempt new grazing from the requirement to obtain a Coastal Development Permit in various agricultural, resource, industrial and special purpose zones.

Addition of language to identify animal keeping permit requirements or exemptions for each zone district. The certified LCP does not uniformly identify animal keeping provisions for all zone districts. The proposed language fills in gaps where current LCP does not specify guidelines and in many cases provides that animal keeping is exempt, whereas the certified LCP often identifies such activities as “Permitted Uses” requiring a permit.

Incorporation of standards for signs, flags, and similar devices from other County Codes, directly into the LUDC, including exemptions from permit requirements.

Complete revision of the ‘Density Bonus for Affordable Housing’ section to remove the performance standards, create a more general framework, and allow flexibility for the standards to change with state density bonus law.

Addition of “Use Determination” procedures for evaluating proposed land uses that are not specifically enumerated within a zone but may be allowed if they are found to be similar in character to those uses that are already specified as permitted uses within that zone.

Addition of a Zoning Clearance Procedure within the Coastal Zone. In the Coastal Zone, Zoning Clearances are primarily intended to evidence that development conforms to the conditions of approval established by a Coastal Development Permit where a Conditional Use Permit or Development Permit is processed concurrently with the CDP.

Complete revision of the 'Reclamation and Surface Mining Permit' section to provide more detailed procedures, standards, information requirements and findings to conform to the California Surface Mining and Reclamation Act of 1975 (SMARA), as amended.

Re-designation of land use type 'Mining – Surface less than 1,000 cu. yds.' from requiring a Major Conditional Use Permit to a permitted use in all resource management zones, all residential zones, all commercial zones, all industrial zones, and all special purpose zones.

Elimination of certified language through lack of incorporation into the LUDC, including suggested modifications, from three previous LCP Amendments: 1-05-A (Board of Architectural Review), 1-05-C (Telecommunications), and 2-06 (Noticing and Appeals).

Addition of specificity with regard to processing time extensions, including when hearings will occur on an application for a time extension and allowed for waiver of the public hearing consistent with the Coastal Act.

Addition of specificity with regard to procedures for revocation of Conditional Use Permits.

Addition of a new section establishing procedures and requirements for Development Agreements.

Removal of application contents for various applications in order to maintain flexibility in requirements at the time of application and site-specific circumstances.

Addition of a new section called 'Administrative Responsibility' to outline the authority and responsibilities of staff and decision-making bodies.

Glossary

The MLUDC contains an extensive number of new definitions for clarity and to define each "use type" regulated within the Montecito Community Plan area. There are considerably fewer definitions within the MLUDC in comparison to the LUDC given that many of the land use categories do not apply to the more limited scope of the Montecito Planning Area. Where specific differences occur between Coastal or Inland terms, these have been clearly called out within MLUDC Chapter 35.110 (Glossary).

State Law

In addition to the changes noted above, the following new regulations are proposed to be added as part of the MLUDC to reflect new regulatory requirements mandated by State law:

Mobile home Parks allowed with a Conditional Use Permit in all residential zones (MLUDC Chapter 35.423 - Residential Zones): Section 65852.7 of the Government Code mandates that a mobile home park is deemed a permitted land use on all land zoned residential. This code section allows local jurisdictions to require a conditional use permit for mobile home parks. This has been a feature of state law since 1981; however, the Article II zoning ordinance was never amended to reflect this requirement. To implement this requirement of the Government Code, the MLUDC land use tables associated with the residential zones (e.g., MLUDC Chapter 35.423 - Residential Zones, Tables 2-7 through 2-8) include Mobile Home Parks as being allowed in residential zones subject to the approval of a Conditional Use Permit by the Planning Commission.

Recycling facilities in multi-residential and non-residential projects (Section 35.430.170 - Solid Waste & Recycling Storage Facilities): Assembly Bill 2176, chaptered in 2004, amended Sections 42900 through 42911 of the Public Resources Code to require local jurisdictions to adopt regulations that require non-residential projects, residential projects involving five or more units, single-family subdivision having five or more lots, and public facilities to provide adequate areas for collecting and loading recyclable materials. To implement the requirements of the Public Resources Code, Section 35.430.170 is added to the MLUDC in order to require the provision of adequate area for the collection and loading of recyclable materials.

Solar energy systems permit process (Section 35.472.070 - Design Review): Assembly Bill 2473, chaptered in 2004, amended Section 65850.5 of the Government Code to require that local jurisdictions approve the installation of private solar energy systems through the issuance of a ministerial permit. To implement the requirements of Government Code 65850.5, the MLUDC is written to specify that solar energy systems are exempt from design review.

Storm water runoff requirements (Section 35.430.180 - Storm Water Runoff Requirements): In December 1999, the EPA promulgated Phase II regulations of the storm water program of the National Pollutant Elimination System (NPDES) under the Clean Water Act. The regulations address storm water pollution control for small municipalities and small construction activities (site of one to five acres) and have been incorporated in the proposed MLUDC.

Subsequent County Amendments to the MLUDC:

In addition, subsequent to the completion of the new Montecito Land Use and Development Code, the Board of Supervisors passed additional ordinances

regarding road naming, time extensions, overall sign plans, and special care homes that were not included within the County's original submittal of the MLUDC to the Commission. Santa Barbara County has since revised the originally proposed MLUDC to incorporate these more recently adopted ordinances (Ordinances 4672 and 4681, Exhibit 2) as part of this proposed amendment to the certified Local Coastal Program, which include the following:

Montecito Road Naming and Renaming, Naming of a new road created by a subdivision. *Existing process.* When a subdivision is being reviewed and new roads are proposed, the applicant will typically submit the names for new roads as part of the tentative map application. The road names are then noticed and reviewed along with the tentative map and shown on the recorded map. However, the applicant may elect to wait on naming the new roads until after the tentative map is approved. In this latter situation the existing regulations require that a separate application be submitted and that the Director of the Planning and Development Department approve or deny the proposed names. There is no required notice of this action by the Director; however, the Director's action may be appealed to the Montecito Planning Commission and Board of Supervisors.

Proposed process. The effect of the ordinance is to require that names for new roads created by subdivisions be required to be submitted and reviewed at the same time that the subdivision is also reviewed.

Montecito Road Naming and Renaming, Naming or renaming an existing road. *Existing process.* The current regulations provide that the naming or renaming of an existing road is under the jurisdiction of the Montecito Planning Commission such that notice and a public hearing is required. The decision of the Montecito Planning Commission may be appealed to the Board of Supervisors.

Proposed process. The effect of the ordinance is to implement a "waived hearing" process similar to that currently used for certain Coastal Development Permits, i.e., after public notice of the intention to waive the hearing, if no one requests a hearing, the jurisdiction would shift to the Director. An appeal by the applicant of the Director's decision would only be allowed if the name is denied. If that is the case, then an appeal would be heard by the Montecito Planning Commission with the possibility of further appeal to the Board of Supervisors.

Time Extensions. *Existing process.* Time extensions for discretionary projects are currently under the authority of the review authority who has jurisdiction over the project for which the time extension is sought. The review authority, in order to approve the time extension, must be able to make the same findings required for approval that were made when the project was initially approved. Time extensions are subject to CEQA and require a public hearing. The action of the review authority may be appealed.

Proposed process. The effect of the ordinance is to implement a "waived hearing" process for time extension requests, similar to that currently used for certain Coastal Development Permits, i.e., after public notice of the intention to waive the hearing, if no one requests a hearing, the jurisdiction for the requested time extension would shift to the Director. An appeal of the Director's decision to the Montecito Planning Commission would be allowed in all cases. The decision of the Montecito Planning Commission on the appeal may appealed to the Board of Supervisors.

Overall Sign Plans. *Existing process.* Under the existing regulations, Overall Sign Plans, which are required for all shopping centers, may be submitted after action on the Development Plan for the shopping center has already occurred. This requires the submission of a new application and payment of new fees, and a new public hearing on the Overall Sign Plan before the Montecito Planning Commission.

Proposed process. The effect of the ordinance is to require that applications for Overall Sign Plans be submitted concurrently with the application for the Development Plan for the shopping center so that they are heard at the same time by the Montecito Planning Commission. Design review for the Overall Sign Plan would occur along with the design review for the shopping center. The names of the proposed retail outlets would not have to be specified at this time, only the size(s), colors, materials and locations of the individual signs. Changes to an approved Overall Sign Plan would be accommodated in the same manner as changes to an approved Development Plan, e.g., through a substantial conformity determination or amendment approved by the Director, or, if the change is extensive, through a revised Overall Sign Plan that would be heard by the Montecito Planning Commission.

Special Care Homes. *Existing process.* The Montecito Land Use and Development Code currently permits special care homes serving 14 or fewer clients pursuant to issuance of a Coastal Development Permit whereas a home serving 15 or more clients requires both a Minor Conditional Use Permit (MCUP) and a Coastal Development Permit. The proposed ordinance would lower the threshold for when a MCUP would be required to seven clients.

Proposed process. The effect of the ordinance is to revise the permit requirement so that special care homes serving 6 or fewer clients may be allowed with a Coastal Development Permit whereas a home serving 7 or more clients require both a Minor Conditional Use Permit (MCUP) and a Coastal Development Permit.

3. <u>STB-MAJ-1-09-B, Montecito Rezone</u>

Santa Barbara County has submitted a proposed amendment (Ordinance 4659, Exhibit 2) to the certified Local Coastal Program that would modify the Zoning Map to change the zone designation from Retail Commercial (C-2) to Neighborhood Commercial (CN)

for two parcels (APNs 009-230-025 and 009-230-026) located within the Coastal Zone (Exhibit 3). These are the only two C-2 zoned properties in the Montecito Planning Area. All other commercially-zoned property within the Coastal Zone portion of the Montecito Community Plan area is zoned CN except for those properties that are zoned for visitor serving commercial uses (e.g., Biltmore/Coral Casino, Miramar).

The subject lots are adjacent properties located north of Coastal Village Road in Montecito, between Coast Village Road and Eleven Oaks Lane, just west of Olive Mill Road (Exhibit 3). APN 009-230-025 is approximately 20,500 sq. ft in size and APN 009-230-026 is approximately 1,300 sq. ft. The properties are located behind a set of existing commercial buildings, including the CVS/Pharmacy store. The combined site is surrounded by residentially zoned parcels to the north, east, and west and with commercially zoned property to the south and southeast (Exhibit 3).

This rezone is integrally linked with the Ordinance that creates the MLUDC because the MLUDC accommodates the rezone by:

- Eliminating the Retail Commercial (C-2) zone designation; and

- Adding one new zone to the MLUDC to apply within the Coastal Zone: Neighborhood Commercial (CN). This zone does not presently exist within the certified LCP.

B. EFFECT OF THE PROPOSED AMENDMENTS

1. <u>LCP Amendments 1-09-A and 1-09-B, Land Use and Development Codes</u>

The overarching effects of the proposed LCP Amendments 1-09-A (County Land Use and Development Code) and 1-09-B (Montecito Land Use and Development Code) can be characterized to encompass document design, procedural changes, procedural clarifications, zone district changes, development standard changes, and updates for consistency with State Law as follows:

Document Design:

- The proposed CLUDC and MLUDC documents encompass both the Inland and Coastal Zone areas, whereas the existing certified LCP is comprised of a stand-alone zoning code document within the Coastal Zone.

- The CLUDC and MLUDC documents have been designed to be more user-friendly, including (1) a series of allowed land use tables which can quickly give the reader information about the types of land uses that may be allowed in each zone district and the types of permits that may be necessary; (2) cross-references that give reader quick links to necessary information rather than duplicating the information (also helping to avoid internal inconsistencies); (3) a reorganized structure and numbering system which better outlines the hierarchy of the policies and provisions and serves as an easier platform for future

modifications/LCP Amendments; and (4) the use of simplified and consistent linguistic phrasing within the provisions.

Procedural Changes:

- Adds use of a Zoning Clearance (ZC) process within the Coastal Zone. Within the Coastal Zone, a Zoning Clearance is the last stage of the process prior to issuance of the Coastal Development Permit. The issuance of a ZC indicates that all of the prior-to-issuance conditions of any relevant CDP, as well as any other discretionary planning permits (e.g., Development Plans, Conditional Use Permits) have been successfully completed. Previously, a "follow-up" Coastal Development Permit indicated completion of prior-to-issuance conditions which created confusion in the procedures of appealable development.

- Assigns the Director of the Planning Department as the review authority for Coastal Development Permit applications where the requirement for a public hearing has been waived, consistent with existing hearing waiver requirements and as allowed under Coastal Act Section 30624.9.

Procedural Clarifications:

- Consistent with the approval of LCP Amendment 2-06 (Noticing and Appeals), the subject amendment makes several clarifications throughout the proposed document that Coastal Development Permits must be processed concurrently with any applicable Development Plans and Conditional Use Permits. This is to ensure that relevant Coastal Development Permits receive a public hearing.

Zone District Changes:

- Reclassifies and reorganizes the types of land uses allowed in zone districts. This includes the renaming and reclassification of land use types into more intuitive and up-to-date terminology and a more efficient format, combined with the addition of hundreds of definitions within the glossary of the proposed CLUDC. There are fewer types of zones assigned to properties within the Montecito Planning Area and therefore significantly fewer land use types and associated definitions were added within the MLUDC.

- The allowed land use tables identify categories of uses that are exempt from planning permits. In some cases, the certified LCP was silent on a particular category of use, and in other cases, the certified LCP specified that a Coastal Development Permit was necessary.

- Allowed animal-keeping densities, applicable planning permit requirements, and some animal-keeping standards have been added for each zone within a table format. The existing certified LCP is silent in most circumstances as to the keeping of animals; however some zones specified densities or standards for certain animal types.

- Special Care Homes with 7 or more clients has been added as a potential land use type in some zones with a Minor Conditional Use Permit. In these circumstances, the existing certified LCP is silent, or is identified as Permitted Use, regarding this specific use category.

- Large family day care homes have been added as a potential land use type in several zones as a Permitted Use (i.e., requires a Land Use Permit or Coastal Development Permit) whereas the existing certified LCP allows this use is some circumstances with a Minor CUP. Small family day care homes have been added as a potential land use type in several zones as exempt from planning permits. These small family day care homes require a Minor CUP in most circumstances under the existing certified LCP.

- 'Child care center, Non-residential' and 'Child care center, Residential' have been added as a potential land use type in some zones with a Minor CUP. In these circumstances, the existing certified LCP is silent, or is identified as Permitted Use (i.e., Coastal Development Permit), regarding this use category.

Development Standard Changes:

- The building separation requirements between dwellings and accessory structures located within the EX-1 (One-Family Exclusive Residential) zone is modified from the existing 10-15 feet to 5 feet. Additionally, as proposed, the 50 ft. requirement between a primary dwelling and guest house within the EX-1 zone is eliminated such that no separation is required.

Updates for Consistency with State Law:

- Some changes have been made to the certified LCP to reflect changes in State law regarding Mobile home Parks, Recycling facilities, Solar energy systems, and Storm water runoff requirements. See 'State Law' under Section V.A.1, 1-09-A Project Description and Section V.A.2, 1-09-B Project Description. These changes were minor and are not foreseen to have any significant effects on Coastal Resources.

- The existing certified LCP contains provisions to allow for a Density Bonus for Affordable Housing. The purpose of which is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. Though the intent was to update the Density Bonus provisions in accordance with the latest laws, as a practical matter, the revised Section in both the CLUDC and MLUDC removed the specificity regarding density bonus program implementation and incentives as applied within the Coastal Zone. In particular, the revised Section no longer indicates that such bonuses and incentives must be consistent with the other provisions of the LCP and avoid adverse impacts to coastal resources.

- The existing certified LCP includes provisions for Reclamation and Surface Mining Permits pursuant to the California Surface Mining and Reclamation Act of 1975 (hereinafter SMARA). This Section was rewritten to cover both the Inland area and Coastal Zone and in both the CLUDC and MLUDC, the resulting version removed the specificity regarding implementation and procedures within the Coastal Zone.

2. LCP Amendment 1-09-B, Montecito Rezone

LCP Amendment 1-09-B, Montecito Rezone, proposes to change the zone district for two properties (APNs 009-230-025 and 009-230-026) that are located within the Montecito Planning Area. The two properties would be rezoned from Retail Commercial to Neighborhood Commercial. At present, the certified LCP does not include the Neighborhood Commercial (CN) zone district. The CN zone is proposed to be added within the Montecito Land Use and Development Code (MLUDC) pursuant to LCP Amendment 1-09-B. Currently, the properties are both zoned Retail Commercial (C-2). There are some similarities between the types of uses allowed in C-2 and CN (see Table 1 below); however, the CN zone provides a smaller classification of use by limiting the types of allowed land uses to those that are more aligned with neighborhood services and conveniences.

The Land Use Designation for these two properties is "General Commercial" which is defined in the certified Land Use Plan as follows:

> General Commercial: This designation has been used to denote areas suitable for many types of commercial activities. Central business district areas, district centers, service commercial, neighborhood centers, and design commercial are all contained under this designation. Permitted uses in the General Commercial designation range from convenience activities, which serve such day-to-day needs as food, drugs, gasoline, and other incidentals, to wholesale facilities which support agricultural, construction, and transportation activities.

Table 1. Comparison of the Existing Certified C-2 Zone District Allowed Land Uses versus the Proposed CN Zone District Allowed Land Uses.

(Note: the type of planning permit with which the land use permit may be allowed is specified in parentheses at the end of the paragraph. P = Coastal Development Permit (CDP), MCUP = Minor Conditional Use Permit and CDP; CUP = Major Conditional Use Permit and CDP)

Existing Certified LCP Zone District Uses **Retail Commercial (C-2)**	**Proposed Zone District Uses** **Neighborhood Commercial (CN)**
Purpose: To provide for local retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.	Purpose: 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.
Agricultural, Mining & Energy	
Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Section 35-177 (Reclamation Plans). (CUP)	None
Industry, Manufacturing & Processing, Wholesaling	

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. (P) Cabinet shop. (MCUP) Cleaning and dyeing establishment. (MCUP) Community non-profit recycling facility. (P) Electrical shop. (MCUP) Handicraft-type industries subject to the provisions of Section 35-172.11 (Conditional Use Permits). (MCUP) Sign painting shop. (MCUP) Welding and small tool machine shop. (MCUP)	None
Recreation, Education & Public Assembly Uses	
Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls. (P) Amusement enterprises conducted partially or wholly outdoors. (CUP) Business, professional, and trade schools. (P) Church (CUP) Conference center (CUP) Country clubs (CUP) Educational facilities, not including child care facilities. (CUP) Fairgrounds (CUP) Golf course, miniature or practice range. (P) Indoor theater. (P) Library (CUP) Museum (CUP) Outdoor theater. (CUP) Polo fields and playing field for outdoor sports. (CUP) Rodeo (CUP) Stable, commercial (including riding and boarding). (CUP)	Library (P) Meeting facility, public or private (CUP) Meeting facility, religious (CUP) Museum (CUP) School (CUP) Sports and outdoor recreation facility (CUP) Studio - Art, dance, martial arts, music, etc. (P) Theater - Performing arts, 100 person maximum capacity (CUP)
Residential Uses	
Emergency Shelter. (Added by Ord. 4169, 10/11/94) (MCUP) Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot. (MCUP) Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses. (P) Single Room Occupancy Facility. (Added by Ord. 4169, 10/11/94) (MCUP) Special Care Homes, except as provided in Section 35-143.4. (MCUP)	Home occupation (P) Mixed use project residential component - market rate (CUP) Mixed use project residential component - 1 unit (1) (P) Mixed use project residential component 2 to 4 units (1) (CUP) Special care home, 7 or more clients (CUP)
Retail Trade	
Automobile service station, provided no gasoline is stored above ground. (P) Boat sales yard and boat repair and services, but not including painting or junk yards for boats. (Amended by Ord. 3960, 2/21/92) (MCUP) Certified Farmer's Market. (Added by Ord. 4086, 12/15/92) (MCUP) Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution. (CUP) Club (CUP)	Drive-through facility (CUP) General retail (P) Grocery and specialty food stores (P) Health club, spa (P) Restaurant, café, coffee shop (P) Service station (P)

Frozen food locker as part of a retail store. (MCUP) Lumber and building materials sales yard. (MCUP) New and used automobile and machinery sales, leases and rentals. (P) Nursery. (P) Outdoor restaurant, cafe, or tea room. (P) Outdoor sale of pool supplies, patio furniture, and spas. (MCUP) Pump sales and service. (MCUP) Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge. (P) 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. (P) Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground. (MCUP) 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) (MCUP) Spas or health clubs. (P) Swap meet. (CUP) Trailer rentals, including trailers used for carrying property, and truck rentals. (MCUP)	
Services – Business, Financial, Professional	
Clinics (CUP) Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices. (P) Hospitals, sanitariums nursing homes, and rest homes. (CUP) 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. (MCUP)	Bank, financial services (P) Business support service (P) Drive-through facility (CUP) Medical services - Clinic, urgent care (P) Medical services - Doctor office (P) Medical services - Extended care (CUP) Medical services – Hospital (CUP) Office - Business/service (P) Office - Professional/administrative (P) Public safety facility (P)
Services – General	
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. (P) Automobile and machinery repair and service conducted partially or wholly outdoors. (MCUP) Cemetery (CUP) Child care facilities, as defined in Section 35-58, Definitions. (MCUP) Eleemosynary and philanthropic institutions (except when human beings are housed under restraint). (CUP) Furniture repair and upholstery. (MCUP) Hotels and motels. (P) Mausoleum (CUP) Mechanical car wash. (MCUP)	Large family day care home (P) Small family day care home (E) Child care center, Non-residential (CUP) Child care center, Non-residential, accessory (P) Child care center, Residential (CUP) Drive-through, facility (CUP) Furniture repair accessory to furniture store or interior decorator (CUP) Personal services (P) Vehicle services - Minor maintenance/repair (P)

Mortuary, crematory or funeral home (CUP) Music recording studio. (P) Non-Residential Child Care Center, pursuant to Section 35-143.3. (P) Plumbing, heating, and ventilating shop. (MCUP) 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. (P)	
Transportation Communications, Infrastructures	
Airstrip, temporary (CUP) Automobile parking lot. (P) Bus terminal. (CUP) Communication facilities, as specified in and governed by Section 35-144F. (MCUP) Communication facilities, as specified in and governed by Section 35-144F. (CUP) Drainage channel, water course, storm drain, less than 20,000 sf (P) Drainage channel, water course, storm drain, 20,000 sf or more (MCUP) 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 (MCUP) Electrical transmission lines (CUP) Flood control project, less than 20,000 sf total area (P) Flood control project, 20,000 sf or more total area (MCUP) Helistop (CUP) Road, street, less than 20,000 sf total area (P) Road, street, 20,000 sf or more total area (MCUP) Sea walls, revetments, groins and other shoreline structures subject to the provisions of Section 35-172.13. (CUP) Utility service line with less than 5 connections (P) Utility service line with 5 or more connections (MCUP)	Drainage channel, water course, storm drain less than 20,000 sf (P) Drainage channel, water course, storm drain 20,000 sf or more (CUP) Electrical substation - Minor (2) (CUP) Electrical transmission line (3) (CUP) (4) Flood control project less than 20,000 sf total area (5) (P) Flood control project 20,000 sf or more total area (5) (CUP) Public works and utilities (CUP) Road, street less than 20,000 sf total area (5) (P) Road, street 20,000 sf or more total area (5) (CUP) Sea wall, revetment, groin, or other shoreline structure (CUP) Telecommunications facility (Varies Depending on Facility) Utility service line with 4 or fewer connections (5) (P) Utility service line with 5 or more connections (5) (CUP)
Water Supply & Wastewater Facilities	
Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities (CUP) Experimental waste disposal systems such as mount or evapo-transpiration systems (MCUP) Extraction and processing of natural, carbonated or mineral waters for sale including but not limited to, storage, bottling and shipping operations. (CUP) 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… (P) Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf (P) Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more (MCUP) Pump or lift stations (P) Reservoir, less than 20,000 sf of total development (P) Reservoir, 20,000 sf or more total development (MCUP) 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	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 (P) Reservoir, 20,000 sf or more of total development (CUP) Wastewater treatment system, individual, alternative (CUP) Wastewater treatment system, individual (P) Wastewater treatment facility, less than 200 connections (CUP) Water or sewer system pump or lift station (CUP) Water system with 1 connection (P) Water system with 2 or more connections (CUP) (6)

operations (MCUP) 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 (CUP) Septic tanks or dry wells on all lots in designated Special Problem Areas for sewage disposal (MCUP) Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures (P) Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections (CUP) 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 (MCUP) Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial, or recreational connection (P) Water diversion projects (MCUP)	

(1) 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.
(2) 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).
(3) Does not include electrical transmission lines outside the jurisdiction of the County.
(4) Not allowed in VC overlay.
(5) Not applicable to facilities constructed by the County outside of the Coastal Zone.
(6) Limited to a maximum of 199 connections.

As can be seen from Table 1 above, the two properties (APNs 009-230-025 and 009-230-026) that are proposed to be rezoned to Neighborhood Commercial would have fewer allowed land use types, particularly the elimination of mining and industrial categories of land use. In addition, many of the land use types categorized under 'Recreation, Education & Public Assembly Uses' and 'General Services' have been culled down to the types of uses that would be more in scale with a location in and near a residential neighborhood.

In addition to the above uses described, there are several types of accessory uses, buildings, and structures that may be allowed under the existing certified LCP when customarily incidental to the allowed uses that are not specified in Table 1 above including: fences, walls, gates and gateposts; the keeping of animals; and drive-through facilities that may be accessory to a permitted land use. Though re-organized so that ancillary development is not specified as a land use type in the Allowed Land Use Tables, the MLUDC provides the same effect of allowing accessory uses when incidental to a legally permitted land use type.

A rezone of the property from C-2 to CN would also result in some minor changes to zone development standards. However, the height requirement would remain the same, a maximum of 35 feet for all structures. The following table shows the zone standards for CN and C-2 which shows that there are only minor differences between the two zone districts. In general, the changes can be characterized as more restrictive on the

development potential of the two parcels, except that the secondary front setback may be reduced for parcels with smaller widths and a side setback would not be required.

Table 2. Comparison of the Commercial Zone Development Standards for the Neighborhood Commercial (CN) Zone and Retail Commercial (C-2) Zone Districts within the Coastal Zone.

Development Feature	Requirement by Zone	
	CN (CZ) Neighborhood Commercial	C-2 (CZ) Retail Commercial
Minimum lot size	*Minimum area for lots proposed in new subdivisions.*	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	None required; minimum lot size shall be determined by the review authority through the subdivision review process.
Setbacks	*Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.*	
Front - Primary	50 ft from road centerline and 20 ft from right-of-way.	30 ft from road centerline, and 10 ft from right-of-way; 42 ft from centerline and 10 ft from right-of-way of 2- lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft into the setback, but not into a right-of-way.
Front - Secondary	Same as primary front.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback.
Side	5 ft	None; 3 ft minimum when provided.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone. See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.
Building separation	Buildings contained dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.
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	35 ft	35 ft.
Floor Area Ratio	*Maximum floor area ratio allowed.*	
Maximum FAR	0.25	None
Site coverage	*Maximum percentage of net site area that may be covered by structures.*	
Maximum coverage	30 %	No maximum.

C. CONSISTENCY ANALYSIS

The standard of review for the proposed LCP Amendment 1-09-A and 1-09-B to the Coastal Zoning Ordinance is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified

Santa Barbara County LCP. Additionally, in this case, the proposed amendments directly modify implementation of the noticing and appeal procedures for coastal development permits and therefore must be reviewed for consistency with the noticing and appeal procedural requirements established under the Coastal Act and Commission's Regulations. Where the proposed amendments directly modify the application of Coastal Development Permits including developments that are exempt from the requirement to obtain a Coastal Development Permit, the applicable provisions must be reviewed for consistency with the exclusion from Coastal Development Permit requirements under Sections 13250 – 13253 of Chapter 6, Exclusions from Permit Requirements, of the Commission's Regulations.

1. Coastal Act Policies

Coastal Act **Section 30006** Legislative findings and declarations; public participation

> The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Coastal Act **Section 30106** Development

> "Development" means, 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 submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
>
> 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.

Coastal Act **Section 30339** provides:

> The commission shall: (a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program. (b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large. (c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings. (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

Coastal Act **Section 30603** Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government 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 tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) 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.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) 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 this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) 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 this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

Coastal Act **Section 30624.9** Minor development; waivers of permit application hearings; notice

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

(1) Is consistent with the certified local coastal program, as defined in Section 30108.6.

(2) Requires no discretionary approvals other than a coastal development permit.

(3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

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

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

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

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

Coastal Act **Section 30625** Persons who may appeal; powers of reviewing body; effect of decisions

(a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the local government or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

(b) The commission shall hear an appeal unless it determines the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

(3) With respect to appeals to the commission after certification of a port master plan, that no substantial issue exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.

Coastal Act **Section 30801** Petition for writ of mandate; aggrieved person

Any aggrieved person shall have a right to judicial review of any decision or action of the commission by filing a petition for a writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure, within 60 days after the decision or action has become final.

For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

2. Commission's Regulations

§ 13012. Major Public Works and Energy Facilities.

(a) "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

(b) Notwithstanding the criteria in (a), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

§ 13250. Improvements to Existing Single-Family Residences.

(a) For purposes of Public Resources Code section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

(1) All fixtures and other structures directly attached to a residence;

(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and

(3) Landscaping on the lot.

(b) Pursuant to Public Resources Code section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

(3) The expansion or construction of water wells or septic systems;

(4) On property not included in subsection (b)(1) above that is 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 of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

(c) In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

§ 13252. Repair and Maintenance of 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 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, bluff, or environmentally sensitive habitat area, 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 twelve (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 regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. 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. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

(c) Notwithstanding the above provisions, the executive director of the commission 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 road ways.

(d) Pursuant to this section, the commission may issue a permit for on-going maintenance activities for a term in excess of the two year term provided by these regulations.

(e) In any particular case, even though a method of repair and maintenance is identified in subsection (a) above, the executive director may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed repair and maintenance shall not be undertaken without a permit

§ 13253. Improvements to Structures, Other than Single-Family Residences and Public Works Facilities That Require Permits

(a) For purposes of to Public Resources Code section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

(1) All fixtures and other structures directly attached to the structure.

(2) Landscaping on the lot.

(b) Pursuant to Public Resources Code section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:

(1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;

(3) The expansion or construction of water wells or septic systems;

(4) On property not included in subsection (b)(1) above that is 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 of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

(5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;

(6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit;

(7) Any improvement to a structure which changes the intensity of use of the structure;

(8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

(c) In any particular case, even though the proposed improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit

§ 13545. Effect of Final Certification of LCP.

Certification of a local coastal program pursuant to Section 13544 results in the delegation to the local government of a coastal development permit authority over those developments specified in Public Resources Code Section 30519 for the area of the coastal zone governed by the certified local coastal program. No development inconsistent with the certification order may take place unless the order is amended. Appealable developments under Public Resources Code Section 30603, proposed for the area governed by the certified local coastal program shall be subject to the requirements of Article 17, of these regulations.

§ 13560. Scope of Article [ARTICLE 17. LOCAL COASTAL PROGRAM IMPLEMENTATION REGULATIONS].

The provisions of this Article shall constitute minimum standards of notice and hearing requirements for local governments and for the Commission in reviewing development projects after certification of a local coastal program.

§ 13563. Existing Local Procedures.

Existing local government notice and hearing procedures which are in substantial compliance with the provisions of these regulations may be reviewed and certified by the Commission as part of the local coastal program.

§ 13565. Notice of Appealable Developments.

Within ten (10) calendar days of accepting an application for an appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the first public hearing on the development proposal, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed and to the Commission. The notice shall contain the following information:

(1) a statement that the development is within the coastal zone;

(2) the date of filing of the application and the name of the applicant;

(3) the number assigned to the application;

(4) a description of the development and its proposed location;

(5) the date, time and place at which the application will be heard by the local governing body or hearing officer;

(6) a brief description of the general procedure of local government concerning the conduct of hearing and local actions;

(7) the system for local and Coastal Commission appeals, including any local fees required.

§ 13566. Public Hearing on Appealable Developments.

At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 13565. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

§ 13567. Notice of Local Government Action When Hearing Continued.

If a decision on a development permit is continued by the local government to a time which is neither (a) previously stated in the notice provided pursuant to Section 13565, nor (b) announced at the hearing as being continued to a time certain, the local government shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 13565.

§ 13568. Notice of Non-Appealable Developments.

(a) Notice of developments within the coastal zone that require a public hearing under local ordinance, but which are not appealable pursuant to Public Resources Code Section 30603 (and which are

not categorically excluded) shall be provided in accordance with existing local government notice requirements which shall provide at a minimum:

Notice of developments shall be given at least ten (10) calendar days before a hearing in the following manner:

(1) if the matter is heard by the Planning Commission (city or county) notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction;

(2) notice by first class mail to any person who has filed a written request therefore,

(3) notice by first class mail to property owners within 300 feet.

(4) notice by first class mail to residents within 100 feet of the proposed project.

(5) notice by first class mail to the Commission.

(6) the notice shall contain a statement that the proposed development is within the coastal zone.

The local government may, instead, elect to provide notice in accordance with Section 13565.

(b) Notice of developments within the coastal zone which are not appealable pursuant to Public Resources Code Section 30603 and which do not require a public hearing under local ordinance (and which are not categorically excluded) shall be provided as follows:

Within ten (10) calendar days of accepting an application for a non-appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the local decision on the application, the local government shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Commission. The notice shall contain the following information:

(1) a statement that the development is within the coastal zone;

(2) the date of filing of the application and the name of the applicant;

(3) the number assigned to the application;

(4) a description of development and its proposed location;

(5) the date the application will be acted upon by the local governing body or decision-maker;

(6) the general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;

(7) a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

§ **13571**. Final Local Government Action-Notice.

(a) Notice After Final Local Decision. (This section shall not apply to categorically excluded developments.) Within seven (7) calendar days of a local government completing its review and meeting the requirements of Section 13570, the local government shall notify by first class mail the Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

...

§ 13572. Local Government Action-Effective Date.

A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:

(a) an appeal is filed in accordance with Section 13111;

(b) the notice of final local government action does not meet the requirements of Section 13571;

When either of the circumstances in Section 13572(a) or (b) occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

§ 13573. Exhaustion of Local Appeals.

(a) An appellant shall be deemed to have exhausted local appeals for purposes of Section 13111 and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body (bodies) as required by the local government appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

(1) 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.

(2) 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.

(3) 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.

(4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.

(b) Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that a local government may provide, by ordinance, that notice of commissioner appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the commissioners shall be required to file a new appeal from that decision.

3. <u>LUP Policies</u>

Implementation

Land Use Plan Section 1.3 states the following:

After certification of the LCP's, the State Coastal Commission continues to exercise permit jurisdiction over certain kinds of development (i.e., development in the State Tidelands), and continues to hear appeals and review amendments to certified LCP's. Only certain kinds of developments can be appealed after a local government's LCP has been certified; these include:

(1) Developments approved by the local government 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 local government not included within paragraph (1) of this subdivision 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) Development approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with §30500).

(5) Any development which constitutes a major public works project or a major energy facility.

The State Commission is also required to review periodically the progress of local governments in carrying out the Coastal Act. This review is to occur at least once every five years.

Coastal Plan Policy 1-1:

The County shall adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.

Coastal Plan Policy 1-2:

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

Coastal Plan Policy 1-3:

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

Coastal Plan Policy 1-4:

Prior to the issuance of a coastal development permit, the County shall make the finding that the development reasonably meets the standards set forth in all applicable land use plan policies.

New Development

Coastal Plan Policy 2-6:

Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and 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 in the land use plan. Where an affordable housing project is proposed pursuant to the Affordable Housing Overlay regulations, special needs housing or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% 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 policy if the project has, or is 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 93-GP-11)*

Coastal Plan Policy 2-8:

a. The County shall give equal priority to the following land uses in the coastal zone of Montecito and Summerland:

Expansion of public recreational opportunities

Visitor serving commercial uses, i.e., restaurants, retail commercial, and motels, etc.

Low and moderate income housing

Agricultural expansion

b. In Goleta, the County shall give highest priority to low and moderate income housing and agricultural expansion followed by public recreation and visitor-serving commercial uses.

Coastal Plan Policy 2-10:

Annexation of a rural area to a sanitary district or extension of sewer lines into rural area as defined on the 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.

Coastal Plan Policy 2-11:

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

Coastal Plan Policy 2-12:

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, density 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 93-GP-11)*

Planned Development

All areas designated in the land use plan for Planned Development shall be subject to the following polices (i.e., Policies 2-16 through 2-20):

Coastal Plan Policy 2-17:

Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish as much as possible all of the following goals:

a. protection of the scenic qualities of the site;

b. protection of coastal resources, i.e., habitat areas, archaeological sites, etc.;

c. avoidance of siting of structures on hazardous areas;

d. provision of public open space, recreation, and/or beach access;

e. preservation of existing healthy trees; and

f. provision of low and moderate housing opportunities.

Hazards

Seawalls and Shoreline Structures (i.e., Policies 3-1 through 3-3):

Coastal Plan Policy 3-1:

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.

Coastal Plan Policy 3-2:

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.

Coastal Plan Policy 3-3:

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 parcel by the County.

Bluff Protection (i.e., Policies 3-4 through 3-7):

Coastal Plan Policy 3-4:

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."

Coastal Plan Policy 3-5:

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.

Coastal Plan Policy 3-6:

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.

Coastal Plan Policy 3-7:

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.

Flood Hazard Area Overlay Designations (i.e., Policies 3-11 through 3-12):

Coastal Plan Policy 3-11:

All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.

Coastal Plan Policy 3-12:

Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control work, i.e., dams, stream channelizations, etc.

Environmentally Sensitive Habitat Area (ESHA)

Coastal Plan Policy 9-1:

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

Coastal Plan Policy 9-6 Wetland:

All diking, dredging, and filling activities shall conform to the provisions of Sections 30233 and 30607.1 of the Coastal Act. 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.)

Coastal Plan Policy 9-7 Wetland:

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.

Coastal Plan Policy 9-8 Wetland:

Boating shall be prohibited in all wetland areas except for research or maintenance purposes.

Coastal Plan Policy 9-9 Wetland:

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

The upland limit of wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) 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.

Coastal Plan Policy 9-10 Wetland:

Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.

Coastal Plan Policy 9-11 Wetland:

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.

Coastal Plan Policy 9-12 Wetland:

Wetland sandbars may be dredged, when permitted pursuant to Policy 9-6 above, and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.

Coastal Plan Policy 9-13 Wetland:

No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.

Coastal Plan Policy 9-14 Wetland:

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.

Coastal Plan Policy 9-15 Wetland:

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.

Coastal Plan Policy 9-16a Wetland:

No grazing or other agricultural uses shall be permitted in coastal wetlands.

Coastal Plan Policy 9-16b Wetland:

The County shall request the Department of Fish and Game to identify the extent of degradation which has occurred in the Carpinteria Estero and Goleta Slough pursuance to Section 30411 of the Coastal Act. As part of the study, the Department, working jointly with the Santa Barbara Flood Control Department and the Soil Conservation Service, will also identify the most feasible means of restoration and the area of wetlands to be restored.

Coastal Plan Policy 9-17 Native Grassland:

Grazing shall be managed to protect native grassland habitat;

Coastal Plan Policy 9-18 Native grassland:

Development shall be sited and designed to protect native grassland areas.

Coastal Plan Policy 9-19 Vernal Pools:

No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.

Coastal Plan Policy 9-20 Vernal Pools:

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 with a buffer zone of five feet or greater.

Coastal Plan Policy 9-21 Vernal Pools:

Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

Coastal Plan Policy 9-22 Butterfly Trees:

Butterfly trees shall not be removed except where they pose a serious threat to life of property, and shall not be pruned during roosting and nesting season.

Coastal Plan Policy 9-23 Butterfly Trees:

Adjacent development shall be set back a minimum of 50 feet from the trees.

Coastal Plan Policy 9-26 White-tailed Kite:

There shall be no development including agricultural development, i.e., structures, roads, within the areas used for roosting and nesting.

Coastal Plan Policy 9-27 White-tailed Kite:

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.

Coastal Plan Policy 9-28 White-tailed Kite:

Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

Coastal Plan 9-29 White-tailed Kite:

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.

Coastal Plan Policy 9-30 Rocky Point and Intertidal Areas:

In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed in beaches adjacent to intertidal areas.

Coastal Plan Policy 9-31 Rocky Point and Intertidal Areas:

Only light recreational use shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.

Coastal Plan Policy 9-32 Rocky Point and Intertidal Areas:

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

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

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

Coastal Plan Policy 9-36 Native Plant Communities:

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

Coastal Plan Policy 9-37 Streams:

The minimum buffer strip for major streams in rural areas, as defined by the 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 Department of Fish and Game and 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 the land on either side of the stream; and

e. location of the 100-year floodplain 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 reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Coastal Plan Policy 9-38 Streams:

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.

Coastal Plan Policy 9-39 Streams:

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.

Coastal Plan Policy 9-40 Streams:

All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation 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.

Coastal Plan Policy 9-41 Streams:

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.

Coastal Plan Policy 9-42 Streams:

The following activities shall be prohibited within stream corridors: cultivated agriculture, pesticide applications, except by a mosquito abatement or flood control district, and installation of septic tanks.

Coastal Plan Policy 9-43 Streams:

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 P.R.C. § 30236 of the Coastal Act.

4. Overview

In order to remedy any conflicts in interpretation where feasible, the Commission and County staffs have worked together over a number of months to develop the Suggested Modifications in this report. Given the length and complexity of these changes, the following table summarizes the purpose of each of the Suggested Modifications for LCP Amendment 1-09-A (CLUDC). Most of these same Suggested Modifications will be incorporated into LCP Amendment 1-09-B (MLUDC), except where the zone district

does not exist and where specifically indicated in the Suggested Modifications for 1-09-B that such changes are not applicable in the Montecito Planning Area.

Table 3. LCPA 1-09-A Suggested Modification Summary.

Suggested Modification #1, Inland Area
The CLUDC document is a combined Inland and Coastal Zone document, rather than solely addressing the Coastal Zone. As a result, modifications are necessary to ensure clarity as to which provisions apply only in the Coastal Zone, which provisions apply only in the Inland Area, and which provisions apply to both areas. Suggested Modification #1 makes these Inland and Coastal Zone clarifications.
Suggested Modification #2, References
This Modification removes references to documents where it may be interpreted to incorporate uncertified outside documents as part of the certified LCP. If such references were allowed to remain, and the referenced documents were amended, the changes could indirectly change guidelines or provisions of the LCP without further notice to the Commission since they are not certified as part of the LCP. In some cases, removing the reference occurs in conjunction with incorporating the applicable standards directly.
Suggested Modification #3, Appeals (LCPA 2-06)
The purpose of this Modification is to incorporate the previously certified language of LCP Amendment 2-06 (Noticing and Appeals) with regard to permit processing and appeals. LCPA 2-06 was effectively certified on March 5, 2008. The certified language of LCPA 2-06 established updated procedures for processing Coastal Development Permits, Development Plans, and Conditional Use Permits, including changes or amendments to planning permits, zoning clearances, processes for issuance, and appeals, to ensure that those procedures comply with the Coastal Act and Commission's regulations. A primary goal was to abolish the process of issuing follow-up CDPs that were processed without a hearing and after the other discretionary permits. However, given the overlap in the timeline of the certification of amendment 2-06 in relation to the development of the CLUDC, the certified text (including LCPA 2-06 Suggested Modifications) was not incorporated into the CLUDC by the County. Therefore Suggested Modification #3 re-inserts the Commission's previously approved language regarding processing and appeals.
Suggested Modification #4, Clarification for Removing Follow-Up CDPs In Support of LCPA 2-06
As discussed in the summary for Suggested Modification #3 above, LCPA 2-06 was effectively certified on March 5, 2008. The certified language of LCPA 2-06 established updated procedures for processing Coastal Development Permits. A primary goal of LCPA 2-06 was to delete the duplicative requirement for multiple discretionary, appealable actions for the same project, including the issuance of "follow-up CDPs" which were processed by the County without a public hearing only after other discretionary permits had already been approved. However, since the certification of LCPA 2-06 it has become apparent that additional clarifications are warranted in other locations of the LCP to ensure consistent implementation. Specifically, clarifications are necessary to ensure that Coastal Development Permits are processed concurrently with Development Plans, Minor Conditional Use Permits, and Major Conditional Use Permits where CDPs are required in the Coastal Zone. This Modification also includes clarification that a Zoning Clearance in the Coastal Zone represents the clearance of prior-to-issuance conditions, thereby signaling that the Coastal Development Permit may be *issued*. This supports the action to remove the previous procedure for follow-up CDPs.
Suggested Modification #5, Noticing (LCPA 2-06 and Clarifications)
A second theme that was addressed within LCP Amendment 2-06 included updating the Noticing requirements for development projects, including notice content, procedures, timelines and responsible parties. LCPA 2-06 was effectively certified on March 5, 2008. However, apparently due to the overlap in the timeline of the certification of the amendment in relation to the completion of the CLUDC, the certified text (including LCPA 2-06 Suggested Modifications) was not incorporated by the County into the proposed CLUDC. Therefore Suggested Modification #5 re-inserts the Commission's previously approved language

regarding noticing. Suggested Modification #5 also includes several minor clarifications in support of the Noticing updates approved in LCPA 2-06, including the responsibilities of the applicant and the County, contents for Notices of Final Action to the Commission, the size of posted signs, and a consolidation of overlapping requirements into one section. These clarifications serve to enhance implementation of the Noticing updates approved in LCPA 2-06.
Suggested Modification #6, Design Review (LCPA 1-05-A)
The purpose of this Modification is to incorporate the previously certified language of LCP Amendment 1-05-A (Board of Architectural Review). LCPA 1-05-A was effectively certified on June 11, 2008 and served as the mechanism to revise the existing design review procedures and recognize multiple regional Boards of Architectural Review (BARs) in the Coastal Zone. However, apparently due to the overlap in the timeline of the certification of LCPA 1-05-A in relation to the completion of the CLUDC, the certified text (including LCPA 1-05-A Suggested Modifications) was not incorporated by the County into the proposed CLUDC. Therefore Suggested Modification #6 re-inserts the Commission's previously approved language regarding Design Review and the Regional BARs. This Modification is necessary to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP.
Suggested Modification #7, Application Contents
The specific information requirements necessary to satisfy the filing requirements for new applications for each of the various planning permits (e.g. Coastal Development Permits, Conditional Use Permits, Development Plans) that were previously required pursuant to the certified Zoning Code have not been incorporated into the proposed CLUDC or MLUDC as proposed by the County. The required elements of an application are now specified within the application forms for each of the different planning permits. The County indicates that it is necessary to leave the contents flexible to ensure that the Planning Department has the ability to specify requirements as necessary. However, to ensure that new applications for coastal development permits, and other discretionary approvals, include the necessary information to adequately review and analyze whether new development proposals are consistent with the coastal resource protection policies of the certified LCP, Modification #7 is necessary. Modification # 7 provides an overarching statement of the minimum information requirements that will have to be satisfied in an application for the County (or the Commission on appeal) to allow for an informed decision regarding consistency with the LCP.
Suggested Modification #8, Applicability, Interpretation and Conflicts
The CLUDC and MLUDC, as proposed, would significantly modify the interpretive policies and provisions of the LCP, in part due to incorporation of the Inland Area. Whether intended or inadvertent, several proposed changes in the applicability, interpretation, and means of resolving conflicts within the Coastal Zone are not consistent with the requirements of the Coastal Act or LUP and are not protective of coastal resources. Modification #8 applies existing certified language regarding the purpose, authority, and existing ordinances of the certified LCP. In addition, Modification #8 specifies the hierarchy of conflict resolution in the Coastal Zone as follows: (1) the provisions of the LCP shall take precedence over any other non-certified provisions, guidelines, or plans where conflicts occur with non-certified document and (2) the standards that are most protective of coastal resources shall take precedence where conflicts occur within the LCP (unless otherwise specified). Modification #8 also updates the language that describes what development must comply with the provisions of the CLUDC, by adding clarifications and deleting an existing inconsistency within the LCP which indicated that certain repair and maintenance activities are not subject to the CLUDC. Finally, Modification #8 addresses two other important implementation issues: (1) it clarifies that in the Coastal Zone, where provisions of State law are amended, such changes require an LCP amendment to be effective within the Coastal Zone and (2) provides a full list of updated zoning maps and overlays.
Suggested Modification #9, Allowed Land Uses and Permit Requirements Table
This Modification is a cornerstone to implementing the appeals of coastal development permits pursuant to Section 30603(a)(4) of the Coastal Act. Section 30603(a)(4) provides that County approval of any development that is not designated as the principal permitted use under the zoning ordinance or zoning district map is appealable to the Coastal Commission. In the existing certified LCP, the zones do not identify any Principal Permitted Uses. For each zone there is a list of "Permitted Uses" and a list of uses allowed

with a Minor Conditional Use Permit and Major Conditional Use Permit. These lists of uses were translated into a table format in the proposed CLUDC. As a result there is a series of tables for "Allowed Land Uses and Permit Requirements" which identify the types of land uses that may be allowed in each zone district and the corresponding permit requirements. The proposed Allowed Land Uses and Permit Requirements tables represent a reclassification and reorganization of the lists of land uses identified in each zone district (see Section VI.B.1 under *Zone District Changes* for details).

Modification #9 establishes a procedural system for Principal Permitted Uses and updates the land use tables to identify Principal Permitted Uses for each zone (Exhibit 4). Modification #9 also provides clarifications regarding when Coastal Development Permits are required and when they are appealable to the Commission and further clarifies that, in the Coastal Zone, development is only exempt if it meets the requirements for exemption listed in the exemption section of the LCP (which is updated pursuant to Suggested Modification #11 to comply with the Commission's regulations for exemption). In addition, through Suggested Modification #9, global changes were made to the land use tables to support other modifications to ensure that CDPs are processed concurrently with other discretionary approvals. Other changes were made to the Allowed Land Use and Permit Requirement tables, primarily the ones addressing zones designated for high priority uses under the Coastal Act, such as Agricultural Zones to preserve long-term agriculture, Resource Protection Zones to protect environmentally sensitive habitat areas and watersheds, and Commercial Zones to protect and promote visitor-serving uses, and Industrial Zones to reserve Coastal Related and Coastal Dependent sites for the only uses that support or require a site on or adjacent to the sea to be able to function at all. The main objectives with regard to changes within the tables were: (1) to eliminate incompatible uses, (2) to clarify that agriculture and grazing are not always exempt but may be a Principal Permitted Use in agricultural zones and therefore not appealable to the Coastal Commission; (3) allow limited services and utilities to be treated as part of the Principal Permitted Use when incidental, appropriate, and subordinate to the true Principal Permitted Use, and (4) identify Principal Permitted Uses for each zone.

Suggested Modification #10, Accessory Structures and Uses

Modification #10 is a necessary component of the procedural system to establish Principal Permitted Uses within the LCP. Modification #10 specifies the types of development that may be considered accessory to a Principal Permitted Use for each zone classification. Development that meets the requirement of being accessory to a Principal Permitted Use would also be permitted as part of that Principal Permitted Use. Modification #10 also specifies that accessory structures shall comply with all other standards of the LCP.

Suggested Modification #11, Exemptions

This Modification reorganizes the exemption section for better separation of the Inland and Coastal Zone requirements. Additionally, Section 35.20.040.C has been modified to better reflect the requirements of Sections 13250-13253 of the Commission's regulations. As a result the revised language provides a list of the types of development that would normally be exempt from the Coastal Development Permit requirement. Potentially exempt activities have been identified under the following categories: improvements to a structure other than a public works facility, agricultural activities; utility hook-up exclusions, temporary events and filming, repair and maintenance, and disaster replacement. However, any type of activity listed under the first two categories, improvements to a structure other than a public works facility and agricultural activities, is only exempt if it further meets the criteria in Section 35.20.040.C.1. Section 35.20.040.C.1 includes provisions to protect coastal resources, including wetlands, beaches, ESHA, coastal bluffs, and public access.

Suggested Modification #12, Development Standards

This purpose of this modification is to provide clarification throughout the CLUDC that development in the Coastal Zone is subject to *all* provisions of the certified LCP, not solely the development standards identified in each zone district. This modification also includes minor clarifications within the zone district standards to bring the text back into conformance with the existing certified language of the LCP.

Suggested Modification #13, Subdivisions

Modification #13 adds language to make it clear that, within the Coastal Zone, subdivisions and other land divisions or redivisions are not a principal permitted use and therefore all such land divisions require a Coastal Development Permit that is appealable to the Coastal Commission.
Suggested Modification #14, Lot Line Adjustments
Modification #14 provides clarifying language that, within the Coastal Zone, the review authority must make a finding that lot line adjustments of agricultural land located within the Coastal Zone will not diminish the long-term agricultural productivity of the land as a result of the proposed division. Additionally, Modification #14 provides that approval of lot line adjustments must be consistent with all of the provisions of the LCP.
Suggested Modification #15, ESHA Clarifications
The purpose of this modification is to: ensure that the revised language in the ESHA Overlay is consistent with the protection provided in the existing certified LCP, rectify an existing internal inconsistency regarding nonconforming structures, reiterate that the ESHA Overlay applies when new ESHA is identified on a project-level basis, and establish that the ESHA Overlay still applies in cases where habitat or species have been destroyed or removed unlawfully.
Suggested Modification #16, Flood Hazard Overlay
The purpose of Modification #16 is to eliminate the direct reference to uncertified outside standards located within County Code Chapter 15A (Floodplain Management) where the reference has the potential to create a conflict with the standards of the LCP. Because the outside document is not part of the certified LCP, the standards within that document may change without further notification to the Commission. To remedy the potential for conflicting standards, in this case, the applicable standards have been incorporated directly into the LCP. In addition, the modified language makes it abundantly clear that all other standards of the LCP shall still apply in addition to any need for an action by the County Flood Control District.
Suggested Modification #17, Hazardous Waste Management Facility Overlay
Modification #17 eliminates a potentially confusing reference to the Hazardous Waste Element which is not a certified document and reiterates that, within the Coastal Zone, conflicts between non-certified standards and certified standards shall be resolved by the LCP provisions taking precedence and that all such development must comply with all of the provisions of the LCP.
Suggested Modification #18, Rural Recreation
"Rural Recreation" is a land use type that is identified as an allowed use in the Agricultural Zones and Resource Protection Zones. The existing certified LCP identifies rural recreation as low intensity recreational uses within the Agricultural II zone, Resource Management zone, and Mountainous Toro zone; however, each of the zones has a different list of potential low intensity recreational uses and some provide additional standards and some do not. Modification #18 re-inserts the uses and zone standards to be more consistent with the existing certified LCP.
Suggested Modification #19, Allowed Temporary Uses
Modification #19 provides clarifying language to ensure that it is clear that any temporary use listed in Table 4-10 shall only be exempt in the Coastal Zone if it also meets the additional requirements outlined in the temporary event guidelines. Additionally, temporary trailers must meet the regular exemption criteria specified in the exemption section, 35.20.040.C.1 (see Modification #11).
Suggested Modification #20, Telecommunications Facilities (LCPA 1-05-C)
The purpose of this Modification is to incorporate the suggested modifications from LCP Amendment 1-05-C (Telecommunications) with regard to commercial and non-commercial telecommunications. LCPA 1-05-C was certified on June 14, 2007. The certified language of LCPA 1-05-C provided new procedures and development standards regarding the construction and use of commercial telecommunication facilities and provided new procedures and development standards for the construction and use of non-commercial telecommunication facilities. However, the suggested modifications approved by the Commission on March 15, 2007 were not incorporated by the County into the proposed CLUDC. Modification #20 re-inserts the Suggested Modifications from LCPA 1-05-C in order to protect coastal resources, including visual resources, public access and recreation, and environmentally sensitive habitat.
Suggested Modification #21, Clarifications Regarding Bluff Development

Modification #21 addresses two bluff development issues, structures in the bluff setback and access stairways from the bluff to the beach. First, Modification #21 clarifies that minor improvements that may be allowed within the required geologic bluff setback shall not have any structural foundations and minor ancillary structures shall not be sited closer than 15 feet from the bluff edge, except safety fencing and public trails which may be located as close as 5 feet from the bluff edge. Existing bike paths within 15 feet of the bluff edge would be allowed to be repaired maintained. Additionally, any such ancillary structures that are threatened by erosion must be removed or relocated landward. Second, Modification #21 also updates and clarifies the intent of Section *35.60.060* of the certified Zoning Code to ensure that new stairways on coastal bluffs shall be prohibited with the exception of new stairways for the purpose of providing public access to the beach. The existing LCP states that "no development shall be permitted on the bluff face except for engineered staircases or access ways to provide beach access…" This has been interpreted by the County in previous permit actions to allow for construction of private stairways on bluff slopes to provide individual homeowners access to the beach from blufftop properties. However, bluffs constitute unique coastal landforms that are inherently unstable due to steep slopes, groundwater seepage and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes. Thus, Suggested Modification 21 is necessary to clarify the intent of this section and ensure that new development on bluff slopes will be limited to the maximum extent feasible, consistent with the provision of public access.
Suggested Modification #22, Clarifications Regarding Planning Permit Modifications
The purpose of Modification #22 is to ensure that discretionary modifications from the promulgated zone standards during planning permit approval do not adversely impact coastal resources. Modification #22 adds language that such planning permit modifications must be consistent with all other applicable resource protection policies of the LCP.
Suggested Modification #23, Development Agreements
The purpose of this modification is to describe the circumstances under which a Development Agreement is only effective once it is certified by the Commission.
Suggested Modification #24, Signs
The existing certified Zoning Code makes limited references to signs. The proposed CLUDC incorporates all of the permit requirements attributed to signs, including required sign certificates of conformance. Modification #24 clarifies when a Coastal Development Permit is required and when it may be exempt.
Suggested Modification #25, Economic Hardship
This modification further amends the time extensions process for permits to allow additional time extensions for reasons of economic hardship; however, this provision is only effective until January 12, 2012. Specifically, the Director may extend planning permits for an additional 24 months where findings of economic hardship can be made.
Suggested Modification #26, Energy
This modification is necessary to ensure that the language regarding facilities related to oil and gas development more accurately reflects the language of the existing certified LCP and provides the same level of protection of coastal resources.
Suggested Modification #27, Glossary
Hundreds of new definitions have been included as part of the proposed CLUDC. The nuances in the proposed definitions can impact how the policies and provisions of the Code are interpreted and implemented. Modifications have been made to support the objectives of other suggested modifications herein, particularly to provide guidance on interpreting the Allowed Land Use and Permit Requirements Table, to implement the system of Principal Permitted Uses, and to revert some definitions back into their original certified version.
Suggested Modification #28, Revert to Certified Language
The purpose of this modification is to re-insert language from the existing certified LCP where the loss of such language would not adequately implement the LCP, including circumstances in which it is not clear that

any exceptions or modifications to approvals must be consistent with all other provisions of the LCP.
Suggested Modification #29, Errors and General Clarifications
The purpose of this modification is to correct minor errors and omissions where the lack of information may cause inadequate interpretation and implementation of the LCP.
Suggested Modification #30, LCP Amendments
Section 35.104 of the CLUDC provides guidance regarding procedures and processing of Amendments to the Land Use and Development Code. Modification #30 provides processing clarifications to ensure that an amendment to the CLUDC also requires an amendment to the certified LCP.
Suggested Modification #31, Attachments
The Land Use and Development Code document that was submitted by the County included additional attachments that are not proposed for certification as part of the LCP. However, it is not clear in the LUDC document that these attachments will not be part of the certified LCP. Because the attachments are not intended to be certified as part of the LCP there is a potential for conflicts and inadequate implementation of the certified LCP. Therefore to avoid confusion and to ensure the accurate standard of review for any projects in those areas, Modification #31 provides introductory language explaining that the attachments are not certified as part of the LCP and the complete text, policy information, and precise language must be obtained from the certified documents.
Suggested Modification #32, Surface Mining and Reclamation Act
The existing certified LCP includes provisions for Reclamation and Surface Mining Permits pursuant to the California Surface Mining and Reclamation Act of 1975 (hereinafter SMARA). The proposed section covering SMARA in the CLUDC was rewritten to cover both the Inland area and Coastal Zone areas. However, the resulting version removed the specificity regarding implementation and procedures within the Coastal Zone. The primary purpose of Modification #32 is to make clear that mining is development in the Coastal Zone and requires a Coastal Development Permit. Further, that mining is not a designated principal permitted use and therefore all mining CDPs are appealable to the Coastal Commission.
Suggested Modification #33, Density Bonus
The existing certified LCP contains provisions to allow for a Density Bonus for Affordable Housing. The purpose is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. Such bonuses may include, but are not limited to, reductions in front, side yard, or rear yard setbacks, exceptions from height requirements, and/or parking standards. Though the County indicated that the intent was to update the Density Bonus provisions within the Zoning Code in accordance with the latest laws, as a practical matter, the revised Section in the CLUDC resulted in a reduction of the specificity regarding density bonus program implementation and incentives as applied within the Coastal Zone. In particular, the revised section, as proposed, would no longer require that new development projects which receive these bonuses and incentives must still comply with the other coastal resource protection provisions of the LCP. Modification #33 incorporates some of the specific provisions from Government Code Section 65915 et seq. directly into the CLUDC with regard to applicability and program parameters. Additionally, the Modification provides a maximum density bonus of 50% above the base zone density and provides that incentive or other concessions may only be granted in the Coastal Zone provided that such incentives or concessions are consistent with all other applicable policies and provisions of the LCP and do not create adverse impacts on coastal resources.
Suggested Modification #34, Sea Level Rise
This Modification adds a requirement that the best available scientific information, in the form of a coastal hazards analysis, be provided for nearshore projects. The analysis must encompass potential coastal hazards from erosion, flooding, wave attack, scour and other conditions as well as localized uplift or subsidence, local topography, bathymetry, and geologic conditions.
Suggested Modification #35, Renumbering
Though every effort has been made to correctly identify locations where numbering of sections or references has occurred as a result of the Suggested Modifications above, there may be cases where a reference or

section number was overlooked due to the length and complexity of the Modifications. Modification #35 gives the County the ability to renumber references and section numbers as necessary to incorporate the Suggested Modifications in full.
Suggested Modification #36, Interim Montecito Zoning Code
The CLUDC effectively removes all components of the certified Zoning Codes that applies to the Montecito Community Plan Area because a separate Land Use and Development Code (the MLUDC) was developed separately for Montecito. Because the CLUDC and MLUDC are being separately processed as LCP Amendments, i.e., LCPA 1-09-A for the CLUDC and LCPA 1-09-B for the MLUDC, one document will be certified before the other. This only causes confusion if the CLUDC is certified prior to the MLUDC since the rest of the County would have a certified LUDC but not Montecito. Therefore, to ensure that it is abundantly clear which certified LCP provides the standard of review, Modification #36 states that the existing certified zoning code (Article II) shall be effective for Montecito, rather than the CLUDC, until and unless the Montecito LUDC is certified by the Coastal Commission as a separate zoning document through the LCP amendment process.

5. Principal Permitted Use

Section 30603(a)(4) of the Coastal Act provides that approval, by a coastal county, of any development that is not designated in the LCP as "the principal permitted use" is appealable to the Coastal Commission. Neither the Coastal Act, nor the Commission's regulations provide further interpretation regarding the term "principal permitted use" or specify an exact method that must be used by a local government to designate the principal permitted use.

As a result, interpretation of principal permitted use must be based on Coastal Act Section 30603 which is provided in full below. Further the LCP itself provides the same definition in Section 1.3 of the Coastal Land Use Plan (LUP).

Coastal Act **Section 30603**:

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government 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 tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) 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.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) 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 this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) 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 this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

Subsection 30603(a)(4) specifically provides an additional level of public review for coastal counties. In addition to the other geographic and specified development that is appealable under Section 30603, Section 30603 (a)(4) requires that all development within the coastal zone of a county be appealable unless the development is designated as the principal permitted use under the zoning ordinance or zoning district map.

Santa Barbara County's certified Zoning Ordinance lists a range of "permitted uses" for each zone district, but does not identify the "principal permitted use" as required under Section 30603(a)(4). Because the proposed LUDC does not include a specific use that is identified as the "principal permitted use" for each zone pursuant to Section 30603(a)(4), Commission staff must interpret that all of the "permitted uses" are appealable to the Coastal Commission because none of the potential uses meets the special exception outlined in 30603 (a)(4). The County staff has indicated that their interpretation is that all "permitted uses" are "principal permitted uses" and, thus, none of the "permitted uses" are appealable. As an example of the diversity of uses that may be found within a zone, the list of permitted uses in the Agriculture II (AG-II) zone includes all types of agriculture and farming and animal keeping as well as single-family residential, a guest house or artist studio, commercial boarding of animals, on-shore oil development, excavation and quarrying, and special care homes.

However, given the broad and expansive diversity of "permitted uses" which have been included in most zone districts, it does not appear that there was an attempt to limit the permitted uses to "the principal permitted use" or even a single category of use (e.g., multiple residential-type uses only in a residential zone district, multiple commercial-type uses only in a commercial zone district). As a result of these contradictory interpretations, implementation of the LCP consistent with Section 30603(a)(4) is significantly compromised.

The practice of listing "permitted" uses for each zone in a zoning ordinance is a common practice by many local governments, essentially serving to identify each of the different types of development that could potentially be allowed in a given zone district

pursuant to various types of discretionary and ministerial actions. In this case, the original intent of including the "permitted uses" in the certified Zoning Code appears to have been a convenient way of incorporating the elements of the County's zoning ordinance that was in place prior to the Coastal Act into the LCP. Moreover, the original intent of the "permitted uses" structure may have been to avoid the use of two different standards both within and outside of the Coastal Zone with regard to permitting. However, the inclusion of multiple "permitted uses" without specifying which particular use constitute the "Principal Permitted Use" in each zone has previously resulted in significant difficulty on several occasions in readily identifying which coastal development permit actions by the County were appealable to the California Coastal Commission. Thus, the proposed update of the County's Zoning Code constitutes an appropriate opportunity and juncture to clarify the concept of "principal permitted uses" in order to prevent any future confusion regarding this matter.

Regardless of the history or intent of the original list of "permitted uses" currently certified as part of the LCP, it is evident that the provisions of Coastal Act Section 30603(a)(4) and LUP Section 1.3 will not be fully executed until an adequate definition and interpretation of "principal permitted use" is specified within the County's LCP. To resolve this issue, Commission staff has worked with County staff to identify principal permitted uses for each zone district within the Coastal Zone based on the purpose of the zone district.

As detailed above, to ensure consistent implementation of the Coastal Act Section 30603 and internal consistency with LUP Section 1.3, the Commission finds that LCPA 1-09-A Suggested Modification 9 is necessary to identify principal permitted uses that would not be appealable to the Coastal Commission under Section 30603(a)(4) for each zone district.

In order to achieve the goal of identifying the principal permitted use, LCPA 1-09-A Suggested Modification 9 restructures the Land Use and Development Code to identify a single category of development as "the principal permitted use" for each zone (e.g., agriculture, residential, industrial, etc.). Given the existing structure of the certified LCP, the revised structure allows multiple categories as "permitted uses" (in contrast to *principal* permitted uses). These "permitted uses" would be appealable to the Coastal Commission. In addition, although only one category of development is designated as the principal permitted use, there may be multiple individual uses that are a subset of the designated category. For instance commercial development in a C-1 zone may allow for general retail, convenience stores, offices, restaurants, banks, doctors offices, etc. In such cases, development for each of these uses would be allowed as a principal permitted use and would not be appealable to the Commission under Section 30603(a)(4).

LCPA 1-09-A Suggested Modification 9 refers to Exhibit 4 of this report which provides detailed tables, allowed uses, and the required permit type. For convenience, the following Table 4 summarizes the principal permitted uses identified in Exhibit 4 for each relevant zone district in the CLUDC. Additionally, LCPA 1-09-B Suggested Modification 3 identifies the principal permitted uses specifically within the Montecito

Community Plan area, as shown in Exhibit 5 of this report. Table 5 below summarizes the principal permitted uses identified in Exhibit 5 for each relevant zone district in the MLUDC.

Table 4. Principal Permitted Uses for Zone Districts within the County Land Use and Development Code (CLUDC).

AGRICULTURAL ZONES	
AG-1 (Agricultural I) Zone: *The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as defined on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils*.	
	Agricultural accessory structure (limited to certain accessory structures and uses that are incidental, appropriate, and subordinate to another use designated as a Principal Permitted Use)
	Agricultural Processing – On-premise products where proposed development is cumulatively less than 20,000 square feet in area
	Agricultural product sales (When sales area is 600 sq. ft. or less and limited to on-premise products)
	Agricultural products shipping facility - On-premise products where proposed development is cumulatively less than 20,000 square feet in area
	Cultivated agriculture, orchard, vineyard
	Dwelling, one-family (Where a primary agricultural use exists on the lot, the dwelling is used for the agricultural operator, agricultural employees, or owner, the gross floor area is limited to 5,000 sq. ft. and the total development area is restricted to no more than 10,000 sq. ft.)
	Grazing
	Greenhouses and greenhouse-related development that are cumulatively less than 20,000 sq. ft. in area may be considered a Principal Permitted Use
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted one-family dwelling)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water well, agricultural
AG-II (Agricultural II) Zone: *The AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use. Within the Coastal Zone, the AG-II zone is intended to provide for agricultural land uses on large properties (a minimum of 40- to 320-acre lots) with prime and non-prime agricultural soils in the rural areas of the County, and to preserve prime and non-prime soils for long-term agricultural use.*	
	Agricultural accessory structure (limited to certain accessory structures and uses that are incidental, appropriate, and subordinate to another use designated as a Principal Permitted Use)
	Agricultural Processing – On-premise products
	Agricultural product sales (When sales area is 600 sq. ft. or less)
	Cultivated agriculture, orchard, vineyard
	Dwelling, one-family (Where a primary agricultural use exists on the lot, the dwelling is used for the agricultural operator, agricultural employees, or owner, the gross floor area is limited to 5,000 sq. ft. and the total development area is restricted to no more than 10,000 sq. ft.)
	Grazing
	Greenhouses and greenhouse-related development that are cumulatively less than 20,000 sq. ft. in area may be considered a Principal Permitted Use
	Residential accessory use or structure (limited to structures and/or uses that are customarily a

	part of, and clearly incidental and secondary to the Principal Permitted one-family dwelling.)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water well, agricultural
RESOURCE PROTECTION ZONES	
MT-TORO (Mountainous - Toro Canyon) Zone. *The MT-TORO zone is applied to protect mountainous lands in the Toro Canyon area that are unsuited for intensive development, and that consist of:* *1. Slopes in excess of 40 percent; or* *2. Valleys surrounded by slopes exceeding 40 percent; or* *3. Isolated tableland surrounded by slopes exceeding 40 percent; or* *4. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.* *The intent is to allow reasonable but limited development because 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.*	
	Dwelling, one-family (Where the total development area is no more than 10,000 sq. ft. and the development area does not occur on slopes of 30% or greater)
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
RMZ Resource Management) Zone. *The RMZ zone is applied 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.* *The intent is to allow reasonable but limited 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.*	
	Dwelling, one-family (Where the total development area is no more than 10,000 sq. ft. and the development area does not occur on slopes of 30% or greater)
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
RESIDENTIAL ZONES	
RR (Rural Residential) Coastal Zone. *The RR zone is applied within the Coastal Zone within Rural Areas as designated on the Coastal Land Use Plan maps that are generally of marginal agricultural value where low density residential and agricultural uses are appropriate. This zone is intended to preserve the rural character of an area and provide for low density residential development.*	
	Dwelling, one-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a

	part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
R-1/E-1 (Single Family Residential) Zone. *The R-1 and E-1 zones are applied to areas appropriately located for one-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.*	
	Dwelling, one-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
EX-1 (One-Family Exclusive Residential) Zone. *The EX-1 zone is applied to areas appropriate for high standards of residential estate development on lots larger than one acre. The intent is to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.*	
	Dwelling, one-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
R-2 (Two-Family Residential) Zone. The R-2 zone is applied to areas appropriate for 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.	
	Dwelling, one-family
	Dwelling, two-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
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.*	
	Dwelling, one-family
	Dwelling, two-family
	Dwelling, multiple
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Residential project convenience facilities
	Utility service line (a single utility line may be considered a Principal Permitted Use when

	incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
PRD (Planned Residential Development) Zone. *The PRD zone ensures the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps 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.*	
	Dwelling, one-family
	Dwelling, two-family
	Dwelling, multiple
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Residential project convenience facilities
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
SR-M (Medium Density Student Residential) Zone. *SR-M zone is applied within the Coastal Zone to areas appropriate for residential development within the context of 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 allow for a more efficient utilization of open space.*	
	Dwelling, one-family
	Dwelling, two-family
	Dwelling, multiple
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
SR-H (High Density Student Residential) Zone. SR-H zone is applied within the Coastal Zone to areas appropriate for residential development within the context of a student-oriented community. The intent is to provide for multi-family residential development at higher densities, to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage combining substandard lots to allow for more efficient utilization of space. The provision of affordable housing within this zone shall be encouraged.	
	Dwelling, one-family
	Dwelling, two-family
	Dwelling, multiple
	Organizational house (sorority, monastery, etc.)
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when

	incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
MHP (Mobile Home Planned Development) Zone. *The MHP zone is applied to areas appropriate for mobile homes on non-permanent foundations, in planned developments including mobile home rental parks and mobile home statutory (air space) condominiums. The intent is to meet community needs by providing affordable housing opportunities. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping design for mobile home developments.*	
	Mobile home park
	Mobile home
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Residential project convenience facilities
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
COMMERCIAL ZONES	
C-1 (Limited Commercial) Zone. The C-1 zone is appropriate for both retail and service commercial activities that serve the local community and in the Coastal Zone, the traveling public as well. This zone allows diverse uses, yet restricts allowed uses to those that are also compatible with neighboring residential uses to protect residential uses from negative impacts, including noise, odor, lighting, traffic, or degradation of visual aesthetic values.	
	Bank, financial services - Branch facility
	Child care center, Non-residential
	Child care center, Residential
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	Convenience store, less than3,000 sf or less net floor area
	Convenience store, 3,000 sf or more net floor area
	Fitness/health club or facility
	General retail
	Grocery/food store, 3,000 sf or less
	Grocery/food store, 5,000 sf or less
	Grocery/food store, more than 5,000 sf
	Lodging - Bed and breakfast inn
	Lodging - Hostel
	Medical services - Doctor office
	Office - Business/service
	Office supporting retail
	Personal services
	Plant nursery
	Recycling - Small collection center, non-profit
	Repair service - Small appliances
	Restaurant, café, coffee shop - Indoor and outdoor
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Visitor-serving commercial
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
C-2 (Retail Commercial) Zone. *The C-2 zone is appropriate for retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.*	

	Auto and vehicle sales and rental
	Bank, financial services - Branch facility
	Bank, financial services - Complete facility
	Bar, tavern
	Business support service
	Child care center, Non-residential
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	Commercial entertainment - Indoor
	Convenience store, less than3,000 sf or less net floor area
	Convenience store, 3,000 sf or more net floor area
	Fitness/health club or facility
	General retail
	Grocery/food store, 3,000 sf or less
	Grocery/food store, 5,000 sf or less
	Grocery/food store, more than 5,000 sf
	Lodging - Hotel or motel
	Medical services - Doctor office
	Office - Business/service
	Office - Professional/administrative
	Office supporting retail
	Personal services
	Plant nursery
	Recycling - Small collection center, non-profit
	Repair service - Equipment, appliances, etc. - Indoor
	Repair service - Equipment, appliances, etc. - Outdoor
	Repair service - Small appliances
	Restaurant, café, coffee shop - Indoor and outdoor
	School - Business, Professional, or Trade
	Service station
	Theater - Indoor
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Vehicle services - Minor maintenance/repair
	Visitor-serving commercial
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
CH (Highway Commercial) Zone. *The CH zone is applied to areas adjacent and accessible to highways or freeways appropriate for uses that serve the highway traveler.*	
	Child care center, Non-residential, accessory (when accessory to another principal permitted use)
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	Convenience store, 3,000 sf or less net floor area
	Lodging - Hotel or motel
	Restaurant, café, coffee shop - Indoor and outdoor
	Service station
	Transit station or terminal
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Vehicle services - Minor maintenance/repair
	Visitor-serving commercial
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)

	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
C-V (Resort/Visitor Serving Commercial) Zone. *The C-V 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.*	
	Campground
	Child care center, Non-residential, accessory when incidental, appropriate, and subordinate to a Principal Permitted Use
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	Conference center when incidental, appropriate, and subordinate to a Principal Permitted Use
	Golf course when incidental, appropriate, and subordinate to a Principal Permitted Use
	Lodging - Bed and breakfast inn
	Lodging - Guest ranch
	Lodging - Hostel
	Lodging - Hotel or motel
	Lodging - Resort
	Park, playground
	Restaurant, café, coffee shop - Indoor and outdoor when incidental, appropriate, and subordinate to a Principal Permitted Use
	Trail for hiking or riding
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
PI (Professional and Institutional) Zone. *The PI zone is applied to areas appropriate for professional uses, and for educational, institutional, governmental, and other public facilities. It is the intent of this zone to ensure that these uses are well-designed and landscaped, and harmonious with surrounding land uses.*	
	Bank, financial services - Branch facility
	Bank, financial services - Complete facility
	Business support service
	Cemetery, mausoleum
	Child care center, Non-residential, accessory, when incidental, appropriate, and subordinate to a Principal Permitted Use
	Community center
	Library
	Medical services - Clinic
	Medical services - Doctor office
	Medical services - Extended care
	Medical services - Hospital
	Meeting facility, public or private
	Museum
	Office - Business/service
	Office - Professional/administrative
	Professional and institutional accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted professional or institutional use)
	School
	School - Business, Professional, or Trade (4)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)

	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
INDUSTRIAL ZONES	
M-RP (Industrial Research Park) Zone. *The M-RP zone is intended to provide areas exclusively for light industry, technical research, and business headquarters office as the primary land use types, 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 adjacent non-industrial areas.*	
	Business machine manufacturing and assembly
	Business support services
	Ceramic product manufacturing
	Cosmetic and pharmaceutical manufacturing
	Electronics assembly
	Electronics equipment manufacturing
	Handcraft industry, small scale manufacturing
	Industrial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted industrial use)
	Laboratory - Medical, analytical, research and development
	Office – Accessory
	Office - Executive headquarters
	Office-supporting retail
	Precision machine shop
	Printing and publishing
	Research and development
	Storage - Warehouse
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wholesaling and distribution
M-CR (Coastal-Related Industry) Zone. *The M-CR zone is intended to provide areas that are appropriate for coastal-related industrial uses within the Inland area. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible.*	
	Aquaculture
	Industrial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted industrial use)
	Office – Accessory, when incidental, appropriate, and subordinate to a Principal Permitted Use
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
M-CD (Coastal-Dependent Industry) Zone. *The M-CD zone is applied within the Coastal Zone to areas appropriate for certain energy and industrial uses that require a site on, or adjacent to the sea to function. 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*.	
	Aquaculture
	Industrial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted industrial use)
	Office – Accessory, when incidental, appropriate, and subordinate to a Principal Permitted Use
	Utility service line (a single utility line may be considered a Principal Permitted Use when

	incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
SPECIAL PURPOSE ZONES	
PU (Public Works Utilities and Private Services Facility) Zone. *The PU zone is applied to areas appropriate for the siting of large scale public works, utilities and private service facilities, provided that the requirements of this zone do not apply to local agencies exempted by Section 35.20.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.*	
	Drainage channel, water course, storm drain, less than 20,000 sf
	Flood control project, less than 20,000 sf total area
	Office – Accessory, when incidental, appropriate, and subordinate to a Principal Permitted Use
	Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf
	Public works utilities and private services facilities accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted public works or private service facility use)
	Reservoir, less than 20,000 sf total development
	Road, street, less than 20,000 sf total area
	Utility service line with less than 5 connections
	Utility service line with 5 or more connections
	Wastewater treatment system, individual when incidental, appropriate, and subordinate to a Principal Permitted Use
	Water or sewer system pump or lift station
	Water system with 1 connection when incidental, appropriate, and subordinate to a Principal Permitted Use
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.*	
	Boat launching facility accessory to approved recreation use
	Campground
	Golf Course
	Park, playground – Public
	Recreation accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted recreational use)
	Recreational vehicle (RV) park
	Trail for bicycles, hiking, or riding
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
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 Land Use Plan and other elements of the Comprehensive Plan.* *2. County review of development within the TC zone 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, detraction 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 development within the TC zone to avoid or feasibly mitigate potentially significant, adverse environmental impacts. *3. Major transportation corridors parallel the coastline, and are often located 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.*	
	Parking facility, public or private
	Road, street, less than 20,000 sf total area
	Roadside rest area operated by a governmental agency
	Trail for bicycles, hiking, or riding
	Transportation facility accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted transportation facility use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)

** All Coastal Development Permits issued by a local government for any major energy facility (e.g., oil and gas facilities, pipelines) are appealable to the Coastal Commission pursuant to Coastal Act Section 30603

Table 5. Principal Permitted Uses for Zone Districts within the Montecito Land Use and Development Code (MLUDC).

AGRICULTURAL ZONES	
AG-1 (Agricultural I) Zone: *The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as defined on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils*.	
	Agricultural accessory structure (limited to certain accessory structures and uses that are incidental, appropriate, and subordinate to another use designated as a Principal Permitted Use)
	Agricultural Processing – On-premise products where proposed development is cumulatively less than 20,000 square feet in area
	Agricultural product sales (When sales area is 600 sq. ft. or less and limited to on-premise products)
	Agricultural products shipping facility - On-premise products where proposed development is cumulatively less than 20,000 square feet in area
	Cultivated agriculture, orchard, vineyard
	Dwelling, one-family (Where a primary agricultural use exists on the lot, the dwelling is used for the agricultural operator or agricultural employees, the gross floor area is limited to 3,000 sq. ft. and the total development area is restricted to no more than 10,000 sq. ft.)
	Grazing
	Greenhouses and greenhouse-related development that are cumulatively less than 20,000 sq. ft. in area may be considered a Principal Permitted Use
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted one-family dwelling)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)

	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water well, agricultural
RESIDENTIAL ZONES	
R-1/E-1 (Single Family Residential) Zone. *The R-1 and E-1 zones are applied to areas appropriately located for one-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.*	
	Dwelling, one-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
R-2 (Two-Family Residential) Zone. The R-2 zone is applied to areas appropriate for 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.	
	Dwelling, one-family
	Dwelling, two-family
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
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.*	
	Dwelling, one-family
	Dwelling, two-family
	Dwelling, multiple
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Residential project convenience facilities
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
PRD (Planned Residential Development) Zone. *The PRD zone ensures the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps 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.*	
	Dwelling, one-family

	Dwelling, two-family
	Dwelling, multiple
	Residential accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted residential use)
	Residential project convenience facilities
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
COMMERCIAL ZONES	
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.*	
	Bank, financial services
	Child care center, Non-residential, accessory
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	General retail
	Grocery and specialty food stores
	Health club, spa
	Medical services – Clinic, urgent care
	Medical services - Doctor office
	Office - Business/service
	Personal services
	Restaurant, café, coffee shop
	Studio- Art, dance, martial arts, music, etc.
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Vehicle services - Minor maintenance/repair
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
C-V (Resort/Visitor Serving Commercial) Zone. *The C-V 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.*	
	Campground
	Child care center, Non-residential, accessory when incidental, appropriate, and subordinate to a Principal Permitted Use
	Commercial accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted commercial use)
	Conference Center when incidental, appropriate, and subordinate to a Principal Permitted Use
	Golf course when incidental, appropriate, and subordinate to a Principal Permitted Use
	Health club, spa when incidental, appropriate, and subordinate to a Principal Permitted Use
	Lodging - Hostel
	Lodging - Hotel or motel
	Lodging – Resort hotel, guest ranch
	Park, playground - Public
	Personal Services when incidental, appropriate, and subordinate to a Principal Permitted Use

	Restaurant, café, coffee shop when incidental, appropriate, and subordinate to a Principal Permitted Use
	Trail
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Visitor-serving Commercial
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
SPECIAL PURPOSE ZONES	
PU (Public Works Utilities and Private Services Facility) Zone. *The PU zone is applied to areas appropriate for the siting of large scale public works, utilities and private service facilities, provided that the requirements of this zone do not apply to local agencies exempted by Section 35.20.040 (Exemptions from Planning Permit Requirements). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.*	
	Drainage channel, water course, storm drain, less than 20,000 sf
	Flood control project, less than 20,000 sf total area
	Office – Accessory, when incidental, appropriate, and subordinate to a Principal Permitted Use
	Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf
	Public works utilities and private services facilities accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted public works or private service facility use)
	Reservoir, less than 20,000 sf total development
	Road, street, less than 20,000 sf total area
	Utility service line with less than 5 connections
	Wastewater treatment system, individual when incidental, appropriate, and subordinate to a Principal Permitted Use
	Water or sewer system pump or lift station
	Water system with 1 connection when incidental, appropriate, and subordinate to a Principal Permitted Use
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.*	
	Campground
	Golf Course
	Park, playground – Public
	Recreation accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted recreational use)
	Trail for bicycles, hiking, or riding
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
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 Land Use Plan and other elements of the Comprehensive Plan.* *2. County review of development within the TC zone 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, detraction 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 development within the TC zone to avoid or feasibly mitigate potentially significant, adverse environmental impacts. *3. Major transportation corridors parallel the coastline, and are often located 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.*	
	Road, street, less than 20,000 sf total area
	Trail for bicycles, hiking, or riding
	Transportation facility accessory use or structure (limited to structures and/or uses that are customarily a part of, and clearly incidental and secondary to the Principal Permitted transportation facility use)
	Utility service line (a single utility line may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Wastewater treatment system, individual (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)
	Water system with 1 connection (may be considered a Principal Permitted Use when incidental, appropriate and subordinate to another Principal Permitted Use)

As illustrated in Tables 4 and 5 above, zones Agricultural I (AG-I) and Agricultural II (AG-II) are the two applicable agriculture zones within the Coastal Zone of the County. Pursuant to LCPA 1-09-A Suggested Modification 9, and LCPA 1-09-B Suggested Modification 3 in relevant part, the category of development that is designated as the principal permitted use is agriculture, including but not limited to forms of cultivated agriculture, grazing, ancillary agricultural accessory structures (limited to structures as defined in Section 35.110.0 20 under the term “Accessory Agricultural Structure), and one, single-family residence (SFR) for housing for a farm operator directly involved in the agricultural operation (or owner) where the SFR is no larger than 5,000 sq. ft. and the development area is no larger than 10,000 sq. ft. The development area is defined as the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, and parking areas. Additionally, some residential accessory structures may be included under the agricultural principal permitted use category where directly subordinate and accessory to the one SFR. The residential accessory structures that may be associated with the principal-permitted SFR are limited to garages, pools, spas and hot tubs, storage sheds, and landscaping. All other accessory development would be appealable to the Coastal Commission, including but not limited to guest houses, residential second units, artist studios, workshops, etc.

As indicated above, one single-family dwelling may be considered part of a principal permitted use on agriculturally-zoned lots where the residential use is associated with an existing primary agriculture use. In recent discussions, the County staff has requested that the residential development that is considered part of the Principal Permitted Use be expanded to allow the dwelling to be occupied by the owner of the property or the owners’ family; the residence to be up to 5,000 sq. ft.; and the development area to be up to two acres or 3% of the lot, whichever is less.

Suggested Modification 10 allows for a principal permitted dwelling to be up to 5,000 sq. ft. and the dwelling to be occupied by the owner of the property where an existing

primary agricultural operation exists. However, the total residential development area is limited to 10,000 sq. ft. in order to protect the long-term viability of agricultural lands. Where residential development is proposed that is greater than 5,000 sq. ft and/or proposes a development area greater than 10,000 sq. ft, such development would not be considered a principal permitted use and would be appealable to the Coastal Commission. Existing LCP policies and provisions currently provide protection for prime agricultural soils and long-term agricultural productivity and would continue to serve as the basis for review of development on, and adjacent to, agriculture on a case-by-case basis.

Additionally, it should be noted that due to the structure of the Land Use and Development Code, there are three other types of development that are included as incidental to, or part of, the “Principal Permitted Use” in all zones pursuant to LCPA 1-09-A Suggested Modification 9 including: (1) limited utility connections, (2) individual wastewater treatment systems, and (3) water connections. These limited utilities and connections would be considered subordinate and accessory to the principal permitted use and have therefore been identified as part of the principal permitted use category.

LCPA 1-09-A Suggested Modification 9 identifies the principal permitted use category for MT-TORO (Mountainous - Toro Canyon) Zone and RMZ (Resource Management) Zone as Residential. The MT-TORO zone is applied to mountainous lands in the Toro Canyon area that are unsuited for intensive development. Similarly, outside of the Toro Canyon area, the RMZ zone is applied to lands unsuited for intensive development. Under the certified LCP, these zones currently allow for residential uses. Residential uses may allow for reasonable use of a property to avoid an unconstitutional taking of private property, while meeting the basic intent to avoid intensive development. Therefore, Residential uses have been identified as the principal permitted use category for both of these zones. Limited residential accessory uses that are incidental, appropriate and subordinate to the principal permitted residential use may also be considered, and processed, as part of the Principal Permitted Use.

LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 in relevant part, also identifies the principal permitted use category for Rural Residential (RR) Zone, Single Family Residential(R-1/E-1) Zone, One-Family Exclusive Residential (EX-1) Zone, Two-Family Residential (R-2) Zone, Design Residential (DR) Zone, PRD (Planned Residential Development) Zone, Medium Density Student Residential (SR-M) Zone, High Density Student Residential (SR-H) Zone, and Mobile Home Planned Development (MHP) Zone as Residential. With the exception of Mobile Home Planned Development, each of these zones allows for a single family residence as a principal permitted use, and in some zones duplexes and other multiple family dwellings are identified as a principal permitted use. Mobile home park and mobile homes are identified as principal permitted for the MHP zone. Residential second units are not a principal permitted use in any of these residential zone districts. Limited residential accessory uses that are incidental, appropriate and subordinate to the principal permitted residential use may also be considered, and processed, as part of the Principal Permitted Use.

The principal permitted use category for CN (Neighborhood Commercial) Zone, C-1 (Limited Commercial) Zone, C-2 (Retail Commercial) Zone, CH (Highway Commercial) Zone, C-V (Resort/Visitor Serving Commercial) Zone, and PI (Professional and Institutional) Zone is Commercial. Each commercial zone district has more specific commercial uses identified in the Commercial Allowed Use Tables in the County and Montecito Development Codes. A number of detailed commercial uses that make up an array of appropriate opportunities for each commercial zone, depending on the purpose of the subject zone, have been identified as potential principal permitted uses as designated in LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 in relevant part.

The principal permitted use category, identified pursuant to LCPA 1-09-A Suggested Modification 9, for M-RP (Industrial Research Park) Zone, M-CR (Coastal-Related Industry) Zone, M-CD (Coastal-Dependent Industry) Zone is Industrial. As the primary designation for industrial-zoned properties in the Coastal Zone, a number of detailed industrial, manufacturing and processing uses have been identified as potential principal permitted uses for M-RP. However, the only principal permitted use identified in Coastal-Related and Coastal-Dependent industrial zones is aquaculture (including accessory office areas and any necessary utility/service connections for the principal permitted development). Although there are a number of other potential uses, the primary purpose of identifying a “principal permitted” use in the LUDC tables is to identify cases where development may be processed with a Coastal Development Permit that is not appealable to the Coastal Commission. However, all Coastal Development Permits issued by a local government for any major energy facility (e.g., oil and gas facilities, pipelines) or major public works facilities are appealable to the Coastal Commission pursuant to Coastal Act Section 30603(a)(5). Therefore, development such as marine terminals, onshore facilities for petroleum transport that may meet the primary purpose of the zone, are *not* identified as a Principal Permitted use in the Tables. Similarly, if any portion of a pier or dock is located within the local governments permitting authority, it would always be located within the geographic appeals area pursuant to Coastal Act Section 30603(a)(1) and therefore all such development would be appealable to the Coastal Commission every time.

The principal permitted use category for PU (Public Works Utilities and Private Services Facility) Zone and TC (Transportation Corridor) Zone is Infrastructure. However, though there may be a number of other potential land use types that are consistent with the purpose and intent of the Zone, the Principal Permitted Uses listed in LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 in relevant part, are more limited. This is because the primary purpose of identifying a “principal permitted” use in the LUDC tables is to identify cases where development may be processed with a Coastal Development Permit that is not appealable to the Coastal Commission. However, all Coastal Development Permits issued by a local government for any major public works facilities are appealable to the Coastal Commission pursuant to Coastal Act Section 30603(a)(5). To avoid potential confusion regarding implementation, the larger infrastructure items have been identified as permitted uses rather than principal permitted uses and will continue to be appealable to the Commission, as outlined in LCPA 1-09-A Suggested Modification 9.

The principal permitted use category for REC (Recreation) is Recreation, including campgrounds, golf courses, parks and boat launching facilities. The array of uses that are identified as Principal Permitted Uses are shown in Table 4 above.

As described above LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 are the basis to implementing the appeals under Section 30603(a)(4) of the Coastal Act. Section 30603(a)(4) provides that 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.

The CLUDC includes tables for "Allowed Land Uses and Permit Requirements" which identify the types of land uses that may be allowed in each zone district and the corresponding permit requirements. The proposed Allowed Land Use and Permit Requirement tables represent a reclassification and reorganization of the lists of land uses identified in each zone district (see Section V.B.1 under *Zone District Changes* for details).

To ensure adequate implementation of the appeals procedures, LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 are necessary to establish a procedural system for Principal Permitted Uses and updates the land use tables to identify Principal Permitted Uses for each zone district within the Coastal Zone (Exhibits 4 and 5). LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3 also provide clarification regarding when Coastal Development Permits are required and when they are appealable to the Commission and further clarifies that, in the Coastal Zone, development is only exempt if it meets the requirements for exemption listed in the exemption section of the LCP (which is updated pursuant to LCPA 1-09-A Suggested Modification 11 to comply with the Commission's regulations for exemption). In addition, through LCPA 1-09-A Suggested Modification 9, global changes were made to the land use tables to support other modifications to ensure that CDPs are processed concurrently with other discretionary approvals. Other changes within the proposed Allowed Land Use and Permit Requirement tables, pursuant to LCPA 1-09-A Suggested Modification 9 and LCPA 1-09-B Suggested Modification 3, are necessary to protect high priority uses under the Coastal Act such as Agricultural Zones to preserve long-term agriculture, Resource Protection Zones to protect environmentally sensitive habitat areas and watersheds, and Commercial Zones to protect and promote visitor-serving uses, and Industrial Zones to reserve Coastal Related and Coastal Dependent sites for the only uses that support or require a site on or adjacent to the sea to be able to function at all. Key objectives with regard to changes within the tables were: (1) to eliminate incompatible uses, (2) to clarify that agriculture and grazing are not necessarily exempt (unless meets specific exemptions rules) but may be a Principal Permitted Use in agricultural zones and therefore not appealable to the Coastal Commission; and (3) allow limited services and utilities as a Principal Permitted Use when incidental, appropriate, and subordinate to a Principal Permitted Use.

Additionally, the Commission finds that LCPA 1-09-A Suggested Modification 10 is a necessary component of the procedural system to establish Principal Permitted Uses within the LCP. LCPA 1-09-A Suggested Modification 10 specifies the types of development that may be considered accessory to a Principal Permitted Use for each zone classification. Accessory development that is incidental, appropriate, and subordinate to a Principal Permitted Use may also be permitted as a Principal Permitted Use provided that it meets the standards detailed for principal-permitted accessory development and the zone district. Further, LCPA 1-09-A Suggested Modification 10 provides that accessory uses and development shall comply with all other standards of the LCP.

To address the issue of accessory structures that may be considered part of the principal permitted use, Commission staff had originally proposed that accessory uses to a principal permitted residential use be limited to the main categories of residential accessories, specifically: garages; pools, hot tubs, spas; storage sheds; and landscaping. Additionally, accessory uses to a principal permitted commercial, industrial, or special purpose use be limited to the typically associated accessories, specifically: equipment, maintenance, and other major outbuildings; infrastructure; landscaping; and parking. The purpose was to avoid open-ended language that would allow separate and distinct uses that are not typically associated with the principal use, to be considered part of the principal permitted use.

The County staff indicated that these categories were too strict in their interpretation to allow flexibility for other typically associated accessory structures. The County staff requested that the types of accessory structures and uses that can be considered part of the principal permitted use be broadened in all zones. Specifically that any structure and/or use that is customarily a part of, and clearly incidental and secondary to a residence, and that does not change the character of the residential use, be allowed as part of the principal permitted residential use in agricultural, resource protection, and residential zones. Similarly, the County requested that accessory uses to principal permitted commercial and industrial development be modified to provide the same flexibility in determining structures and/or uses that are customarily a part of, and clearly incidental and secondary to, the principal use of the property.

The language in Suggested Modification 10, as set forth in this report, is written to accommodate the County's request for more flexibility in determining the types of accessory residential structures. Suggested Modification 10 is also worded such that other land use types that are listed separately in the Land Use and Permit Requirements Tables could not be considered an accessory structure associated with a principal permitted use. Given that guest houses, artist studios, and residential second units are listed as separate land use types in all relevant cases, these separate and distinct developments would not be considered part of the principal permitted use and would remain appealable to the Coastal Commission. In addition, animal keeping is listed as a separate land use type. Consequently, animal keeping and associated confined animal facilities would not be considered accessory structures to the principal permitted use, and would be appealable unless separately identified as a principal permitted use in the Animal Keeping Tables. Therefore, barns, stables, corrals would

not be considered accessory to a principal permitted residential, commercial, industrial, or special purpose use.

The revised language provides a means of processing accessory structures and uses that are appropriately associated with a principal permitted use while ensuring that significant development with the potential to have significant adverse impacts on coastal resources, such as guest houses, artist studies, residential second units, and relevant confined animal facilities would remain appealable development to the Coastal Commission.

6. Subdivision, Lot Line Adjustments, and Lot Mergers

Section 30106 of the Coastal Act, as incorporated in the certified LCP, defines "development" as:

> 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 submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

In addition, "Subdivision" is defined within the certified LCP, as:

> SUBDIVISION: A division of land as defined in the State Subdivision Map Act

Section 30106 of the Coastal Act and the certified LCP both define the term "development", in relevant part, as any "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." Moreover, the existing certified LCP, Section 35-134 of Article II, states that "[a] Lot Line Adjustment is development under the Santa Barbara County Local Program and the Coastal Act." Development (that is not exempt pursuant to specified exemption categories) within the Coastal Zone requires a Coastal Development Permit. Subdivisions, lot line adjustments, and lot mergers are all forms of land division which require a Coastal Development Permit. Further, pursuant to Section 30603(a)(4), within a coastal county development is appealable unless specifically designated as a "principal permitted use" within the County's applicable zoning ordinances. Subdivisions, lot line adjustments, and lot mergers are not identified as principal permitted uses within any zone districts in either the currently certified Zoning Code or the proposed LUDC or MLUDC. Therefore, subdivisions, lot line adjustments, and lot

mergers require a Coastal Development Permit that is appealable to the Coastal Commission.

However, during the processing of this amendment, County staff has informed Commission staff that, although they agree that subdivisions and lot line adjustments are development that requires a CDP, they do not agree that subdivisions and lot line adjustments are appealable solely on the merit that the subdivision or lot line adjustment is not listed as a Principal Permitted Use in the Allowed Land Use and Permit Requirement Tables. The County staff's position with regard to lot mergers is more procedural in nature. The County staff does not interpret lot mergers to be subject to the LCP. Instead, lot mergers are interpreted to be subject only to ministerial processing pursuant to Chapter 21, Land Division Regulations, of the County Code which is not a component of the certified LCP. These are incorrect interpretations of the LCP. The following points characterize the County's objection to specifying that subdivisions, lot line adjustments, and lot mergers are development that requires processing of a CDP that is appealable to the Coastal Commission:

<u>County Assertions, Subdivisions and Lot Line Adjustments</u>

- The County asserts that CDPs for subdivisions and lot line adjustments are *not* appealable to the Commission solely on the merit that the subdivision or lot line adjustment is not listed as a Principal Permitted Use in the Allowed Land Use and Permit Requirement Tables. However, subdivisions and lot line adjustments would require an appealable CDP if they were appealable for other reasons, e.g. within the geographic appeals area.
- The County asserts that although subdivisions and lot line adjustments are not specifically identified as a Principal Permitted Use in the LCP, it would not be feasible or appropriate to identify them as a Principal Permitted Use because they do not constitute a "land use" in and of themselves, rather they are carried out in association with other proposed development (e.g., residential development, agricultural development).
- Because subdivisions and lot line adjustments are not a "land use," the County interprets these types of development as a subset of other land use types. Therefore, for example, if a 3 acre lot is zoned 1-E-1 (single family residential, minimum 1 acre) and the property owner requests a subdivision to create 2 additional lots for single-family residential development, then the subdivision would be associated with the single-family residential use. Because E-1 specifically designates single-family residential as a Principal Permitted Use, the County would interpret the subdivision to also be a Principal Permitted Use and therefore the requisite CDP would not be appealable to the Commission (unless appealable for other reasons such as geographic appeals).

<u>County Assertions, Lot Mergers</u>

- The County has indicated that specific processing procedures and other requirements for lot mergers have been codified by the County in other parts of

their County Code outside of the certified LCP including Chapter 21, Land Division Regulations.

- The County asserts that lot mergers are a ministerial act under the authority of the County Surveyor that do not require a coastal development permit and that there is no link to any requirement to demonstrate consistency with the LCP. Thus, the County has indicated that they only process lot merger applications in regard to whether such actions conform to the requirements of the Subdivision Map Act, which provides for such ministerial approvals and that therefore, the County is precluded from reviewing a lot merger pursuant to a discretionary permit action.
- County staff has requested that lot mergers that do not result in an increase the development potential of any of the subject lots be identified as exempt development in the LUDC.

<u>However, as described in detail below, the Commission finds that:</u>

- Subdivisions, lot line adjustments, and lot mergers are development as defined under the Coastal Act and within the certified LCP. Therefore ***subdivisions, lot line adjustments, and lot mergers are subject to the requirement for a Coastal Development Permit***.
- ***Subdivisions, lot line adjustments, and lot mergers are forms of land divisions*****.** Subdivisions and lot mergers result in a change in the density or intensity of the use of land.
- There is no basis to determine that these types of development are a subset of, or must be associated with, other types of development. Subdivisions, lot line adjustments, and lot mergers are discrete forms of development with their own distinct purpose. Subdivisions, lot line adjustments, and lot mergers serve an important function with regard to the development potential of a given area, including identifying the potential locations of development as well as the amount and intensity of potential development. ***These important functions cannot be considered incidental, or a subset of, other land uses***.
- Given that subdivisions, lot line adjustments, and lot mergers are a separate and distinct development, they must be reviewed separately under the LCP rather than included with other types of development. Additionally, ***because subdivisions, lot line adjustments, and lot mergers are not identified within the LCP as a Principal Permitted Use, then the CDP for these developments would always require the issuance of CDP that is appealable to the Coastal Commission in compliance with Section 30603(a)(4) of the Coastal Act***.
- Although the County Surveyor may review lot mergers pursuant to provisions of the County Code that are outside of the LCP (Chapter 21, Land Divisions), this review does not relieve the County of the responsibility in discretionary review under the LCP.

Specifically with respect to the County staff's position on lot mergers, the County staff interprets voluntary lot mergers as beneficial to coastal resources since two potentially developable lots would be merged down into only one lot. Lot mergers are interpreted to be

subject only to ministerial processing pursuant to Chapter 21, Land Division Regulations, of the County Code which is not a component of the certified LCP. These are incorrect interpretations of the LCP. Therefore, Suggested Modifications 9, 13, and 14 are necessary to clarify that any change in the density or intensity of use of land and/or division of land (including, but not limited to, subdivisions, lot line adjustments, and lot mergers) are development under both the Coastal Act and the certified LCP and, thus, require an appealable coastal development permit.

County staff has requested that lot mergers that do not result in an increase the development potential of any of the subject lots be identified as exempt development in the LUDC. Lot mergers, however, are a form of land division and therefore development under the LCP. Additionally, lot mergers are not identified as exempt from the requirement to obtain a Coastal Development Permit pursuant to the Coastal Act, Commission's regulations, or LUP. Therefore there is no basis to allow lot mergers to be exempt from the CDP require based on the fact that they are viewed as beneficial development.

As discussed in detail in the Principal Permitted Uses Section above, under certain circumstances, Coastal Development Permits (CDPs) approved by a coastal county are appealable to the Coastal Commission. In particular, Section 30603(a)(4) of the Coastal Act provides the basis for appeal of locally approved CDPs to the Commission for any development that is not specifically designated as a principal permitted use within the Coastal Zone of a county. Section 30603 provides, in part, that:

> (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: …
>
> (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

Moreover, Section 30603(a)(4) of the Coastal Act confers appellate jurisdiction over "any development" approved by a coastal county that is not designated as the principal permitted use under a county's approved zoning ordinance or zoning district map. A subdivision, lot line adjustment, or lot merger all constitute "development" under both Section 30106 of the Coastal Act and the certified LCP.

Subdivisions, lot line adjustments, and lot mergers are not designated as a principal permitted use under any of the identified land use categories of the certified LCP. Further, the proposed Allowed Land Use and Permit Requirement Tables (located in MLUDC Division 35.2, CLUDC Division 35.2) do not proposed to identify subdivisions, lot line adjustments, or lot mergers as potential land use types, under the proposed amendment, nor have these been identified as Principal Permitted Uses by the CLUDC or MLUDC or the Suggested Modifications. The County has suggested that it did not identify them in the Tables because they do not consider subdivisions, lot line adjustments, and mergers are not considered a *land use* and the Tables are not an appropriate mechanism for identifying specific *development types*. Regardless, it is irrelevant whether subdivisions, lot line adjustments, or lot mergers could be appropriately categorize under the Allowed Land Use Tables proposed by the County.

Because the division of land, or re-division of land, constitutes "development" but is not identified as a principal permitted use within any land use category of the LCP, the coastal development permit (which is required for all development in the Coastal Zone except for specific development identified as "exempt" under the LCP) for the subdivision, lot line adjustment, or lot merger is appealable to the Coastal Commission pursuant to Coastal Act Section 30603(a)(4).

Section 30603(a)(4) makes the approval of "any development" by a coastal county appealable to the Commission, with the only exception being development that is "designated as the principal permitted use" under the zoning in the LCP. Therefore, unless the approved development is specifically identified as one of the principal permitted uses in the County's zoning, the Coastal Act gives the Commission appellate jurisdiction to review it.

Section 30603(a)(4) of the Coastal Act specifies that "*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 Commission. Maintaining that a subdivision, or other land division, is not a "use," in essence, rewords Section 30603(a)(4), which concerns whether a proposed activity involves "development," such as divisions of land; in effect, the County's argument reads the word "development" out of this section of the Coastal Act. However, as detailed above, subdivisions, lot line adjustments, and lot mergers constitute "development." An activity need not be a "use" to give rise to appellate review, so long as the activity constitutes "development." Development that is designated as the principal permitted use constitutes an *exception* to the Commission's appellate review. Thus, to the extent that it may be argued that a subdivision, lot line adjustment, or lot merger is not a "use," this could at most establish that a subdivision cannot be a principal permitted use, and therefore cannot qualify as an *exception* to the Commission's appellate review authority.

The Commission also finds that appellate review of land divisions for conformity with the policies of the County's LCP and the Coastal Act is a matter of statewide significance and that the Commission's administrative interpretation is consistent with both the language and purpose of Section 30603(a)(4) of the Coastal Act. Subdivision approvals require complex planning involving important considerations about the level of development and the availability of public services. It is reasonable that the Legislature would have wanted the Commission to review a county's approval of a class of projects that may have potentially severe impacts. Likewise, subdivisions present issues that, unlike principal permitted uses, could not have been fully anticipated when the Commission certified the LCP, also supporting the need for Commission review. If the purpose of Coastal Act Section 30603(a)(4) was to give the Commission appellate jurisdiction over uses that are conditional (that is, uses that are not principally permitted), then it is reasonable that the Commission would have jurisdiction to review the approval of a subdivision because their approval is a discretionary decision akin to the approval of a conditional use. Moreover, subdivisions cause a change in the intensity or density of use, making their approval conceptually distinct from the approval of a principally permitted use that implements an expected use but does not change it. Finally, the Legislature's ongoing concern with the creation of new subdivisions (see Gov. Code, §§ 66410, et seq. [Subdivision Map Act]) and its specific concern about the

impacts of significant new development in coastal counties (which, unlike cities, are more likely to be rural or only partially developed) also demonstrate that the Legislature intended that the Commission would exercise appellate jurisdiction over county decisions involving land divisions.

Therefore, the Commission finds that LCPA 1-09-A Suggested Modifications 9 and 13 are necessary to ensure consistent implementation of Section 30603(a)(4) as discussed above. LCPA 1-09-A Suggested Modification 9 specifies as introductory language for all zone district categories that unless exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), all development in the Coastal Zone requires a Coastal Development Permit, including development not specifically listed in the Allowed Land Uses and Permit Requirements tables, such as subdivisions, lot line adjustments, and lot mergers.

Additionally, LCPA 1-09-A Suggested Modification 13 adds language within the separate Section regarding subdivisions to clarify that, within the Coastal Zone, subdivisions and other land divisions or redivisions are not a principal permitted use and therefore all such land divisions require a Coastal Development Permit that is appealable to the Coastal Commission. LCPA 1-09-A Suggested Modification 14 adds language within the Section for lot line adjustments to clarify that, within the Coastal Zone, lot line adjustments are development under the Coastal Act and therefore require a Coastal Development Permit. Further, lot line adjustments are not a principal permitted use and therefore the Coastal Development Permit will be appealable to the Coastal Commission.

In addition to ensuring that an appealable CDP will be required for lot line adjustments within the Coastal Zone, LCPA 1-09-A Suggested Modification 14 provides clarifying language that the review authority must make a finding that lot line adjustments of agricultural land located within the Coastal Zone will not diminish the long-term agricultural productivity of the land as a result of the proposed division. Further, LCPA 1-09-A Suggested Modification 14 provides that approval of lot line adjustments must be consistent with all of the provisions of the LCP.

7. <u>Exemptions</u>

The certified LCP provides a list of developments that may be exempt from the requirement to obtain a Coastal Development Permit. The certified text indicates that these developments may be exempt but must still “comply with applicable regulations of this Article [i.e., the certified Zoning Ordinance] 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 properties.”

The proposed CLUDC and MLUDC reclassify and reorganize this list of potentially exempt developments, in the form of text changes and in table format. Additionally, the proposed amendment for the CLUDC specifically requests the addition of an exemption for onsite wastewater treatment systems. Specifically, the language of the CLUDC would exempt the replacement of all or any portion of an onsite wastewater treatment

system on a lot in a designated Special Problem Area, provided that the replacement system is installed in substantially the same area as the existing system.

In addition to the list of exemptions proposed under Section 35.020.040 of the CLUDC and Section 35.420.040 of the MLUDC, exemptions are also represented within the Allowed Land Use and Permit Tables (located in MLUDC Division 35.2, CLUDC Division 35.2), Animal Keeping Tables (located in MLUDC Chapter 35.442; CLUDC Chapter 35.42) and Allowed Temporary Uses and Permit Requirements (located in MLUDC Chapter 35.442; CLUDC Chapter 35.42). These tables identify the types of land uses that may be allowed in each zone district and the corresponding permit requirements. These allowed land use tables specifically identify categories of uses that are exempt from planning permits. In some cases, the certified LCP was silent on a particular category of use, and in other cases, the certified LCP specified that a Coastal Development Permit was necessary. In particular several categories including: Cultivated agriculture, orchard, vineyard and Grazing were identified within the Allowed Land Use Tables as types of development that are exempt from coastal development permit requirements. However, while there are circumstances in which these types of developments might be exempt, it was not clear that in the Coastal Zone certain criteria must still be met in order for these types of development to be exempt from coastal development permit requirements consistent with the provisions and requirements of certified LCP.

The Coastal Land Use Plan is not detailed in the matter of Coastal Development Permit processing and procedures, which was addressed in the certified Zoning Ordinance. The LUP does, however, provide policies and provisions to protect coastal resources. The implementation and processing of Coastal Development Permits are the means of implementing the protection policies. Additionally, because LCP Amendments 1-09-A and 1-09-B directly modify the implementation of Coastal Development Permits including developments that are exempt from the requirement to obtain a Coastal Development Permit, they must be reviewed for consistency with the exclusion from Coastal Development Permit requirements under Sections 13250 – 13253 of Chapter 6, Exclusions from Permit Requirements, of the Commission's Regulations. The permit exclusions specified in Chapter 6 are the basis to ensure that the Implementation Plan is adequate to carry out the provisions of the Land Use Plan.

Section 13250 identifies the classes of development associated with improvements to a single-family residence that require a coastal development permit because they involve a risk of adverse environmental effects, including but not limited to cases where the development is located near environmentally sensitive coastal resources, requires significant alteration of land forms, or includes the expansion or construction of water wells or septic systems.

Section 13251 identifies the methods of repair and maintenance that require a coastal development permit because they involve a risk of substantial adverse environmental impact, including particular instances of repair or maintenance of shoreline protective devices, certain methods of routine maintenance dredging, and repair or maintenance that occurs in or around environmentally sensitive coastal resources and coastal waters.

Section 13253 identifies the classes of development associated with improvements to structures, other than single family residences and public works facilities, that require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code. Developments identified by Section 13253 as requiring a coastal development permit include but are not limited to: cases where the development is located near environmentally sensitive coastal resources, requires significant alteration of land forms, requires the expansion or construction of water wells or septic systems, or any improvement to a structure that changes the intensity of uses of the structure.

The reorganized and reclassified text and tables discussed above do not reflect the special circumstances in which a typical category of exempt development will require a Coastal Development Permit due to potential adverse impacts to coastal resources. Therefore to adequately implement the LUP and Section 13250 – 13253 of the Commission's regulations, the Commission finds that it is necessary to modify the exemptions from a Coastal Development Permit within the CLUDC and the MLUDC to identify circumstances in which a category of development would have the potential to adversely coastal resources including ESHA, public access, coastal waters, etc.

Therefore the Commission finds that both LCPA 1-09-A Suggested Modification 9 and Suggested Modification 11 are necessary to adequately implement the development that may be considered exempt from the requirement to obtain a Coastal Development Permit. LCPA 1-09-A Suggested Modification 11 reorganizes Section 35.020.040, first, to ensure that the Inland and Coastal Zone exemptions are completely separated. LCPA 1-09-A Suggested Modification 11 accommodates the existing certified categories of exempt development, primarily be incorporating them into two categories (1) Improvements to a structure, other than a public works facility and (2) Agricultural activities. These categories of potentially exempt development are exempt only if they do not require a CDP as specifically identified in Section 35.020.040.C.1.

The proposed modification language in LCPA 1-09-A Suggested Modification 11, which provides the parameters in which typically exempt categories of development would require a permit is provided as shown below. The modification to this text is important because many of the other LCPA 1-09-A Suggested Modifications to the Allowed Use Tables and throughout the document link back to these criteria.

LCPA 1-09-A Suggested Modification 11, Section 35.020.040.C.1:

> **C. Exempt activities and structures, Coastal Zone**. Within the Coastal Zone, the following are exempt from the requirements of this Development Code to obtain a Coastal Development Permit when in compliance with Subsection A (General requirements for exemptions) above, except as noted below.
>
> **1.** The exemptions described in Subsections C.2 and C.3 below shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:
>
> a. The development or structure is located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of the edge of a coastal bluff.

b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, or sand dune, or within 100 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas.

c. The development or structure has the potential to adversely impact public access to the beach or public hiking and equestrian trails, including existing informal trails within the Coastal Zone.

d. On property that is 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 of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas, a development results in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken after the effective date of the Coastal Act, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage.

e. Except for residential structures, any improvement to a structure that changes the intensity of use of the structure.

f. Any improvement to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.

g. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.

LCPA 1-09-A Suggested Modification 9 also provides clarifications regarding when Coastal Development Permits are required and that development identified with an “E” for exempt can only be exempt in the Coastal Zone if it does not require a permit as specified in Section 35.020.040.C1. Furthermore, in cases where the permit requirement may be misconstrued, the Allowed Land Use Tables have been adjusted to show that a permit is requires unless it meets the specific requirements outlined in the Exemptions Section 35.020.040. In particular, the modification for agriculture, orchard, vineyard and grazing categories are only exempt under certain limited circumstances. Consistent with other types of development in the LCP, new areas of agricultural and grazing must demonstrate consistency with the resource protection policies of the LCP to ensure that, for instance, such new areas do not expand into ESHA, streams, wetlands, buffers or otherwise adversely impact coastal resources. To avoid misinterpretation of the table and thus avoid conflicts regarding permitting and implementation, the table specifies that those uses are either a ‘permitted use’ or ‘principal permitted use’ but not exempt.

As described above, the proposed LCP Amendment includes the addition of language to exempt new cultivated agriculture, orchards and vineyards from the requirement to obtain a Coastal Development Permit in: all agricultural zones (AG-I and AG-II); all residential zones except Planned Residential Development (PRD) & Mobile Home Planned Development (MHP); two industrial zones Coastal Related Industry (M-CR) & Coastal-Dependent Industry (M-CD); and lands zoned Public Works Facilities and Private Services Facility (PU).

New or expanded areas of agriculture change the intensity of the use of land and can also alter landforms, require grading, and change the intensity of use of water. As a result, such agricultural operations are considered development in the Coastal Zone.

Under the existing certified LCP, repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair are exempt from the requirement to obtain a Coastal Development Permit. In addition, installation of irrigation lines that do not otherwise require a grading permit; buildings or structure with a value less than $2,000; one-story detached accessory structures no larger than 120 sq. ft. and some agricultural accessory structures not exceeding 500 sq. ft. may be exempt from the requirement to obtain a CDP under existing Article II of the County's certified LCP. Exemptions from the CDP requirement for grading are limited to development that involves 50 cu. yds. or less of grading. Currently a Coastal Development Permit is required for "grading for agricultural and non-agricultural purposes which involves the movement of earth in excess of fifty (50) cubic yards." Since exemptions related to new or expanded areas of agricultural are so limited in the existing certified LCP, many new or expanded agricultural operations already require a Coastal Development Permit.

However, it has been the County staff's practice to exempt new or expanded agricultural development, inconsistent with requirements of the certified LCP. The LUDC proposes to institute these past County staff practices as new, formalized agricultural exemptions within the certified LCP.

Therefore, Suggested Modifications 9 and 11 are necessary to clarify that new or expanded agricultural operations are not exempt from Coastal Development Permit Requirements. Suggested Modification 11 reorganizes Section 35.020.040, Exemptions, of the proposed LUDC, first, to ensure that the Inland and Coastal Zone exemptions are completely separated. The reorganization of exemptions pursuant to Suggested Modification 11 includes most of the existing certified categories of exempt development, primarily by incorporating them into two categories (1) Improvements to a structure, other than a public works facility and (2) Agricultural activities. These categories of potentially exempt development are exempt only if they do not require a CDP as specifically identified in Section 35.020.040.C.1.

However, in the Coastal Zone, new or expanded areas of agricultural activities are not exempt and require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) except under certain limited circumstances. New or expanded cultivated agriculture, orchard and vineyards may be exempt where such development <u>meets all of the following criteria</u>:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees.

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation. And

(6) Meets the requirements of in Section 35.20.040.C.1.

The subject LCP Amendment also proposes to add language to exempt new grazing in new areas from the requirement to obtain a Coastal Development Permit in all agricultural zones (AG-I and AG-II); Resource Management (RMZ); two industrial zones M-CR & M-CD; and lands zoned PU. Similar to cultivated agriculture as described above, there is some confusion as to the impacts of the Suggested Modifications to grazing. The exemption section, as currently shown in Suggested Modification 11, clarifies that as part of existing, on-going lawfully established agricultural operations, certain categories of development and uses may be exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1. Specifically, grazing practices within an existing grazing footprint, as part of an ongoing lawfully established agricultural use, may be exempt from the requirement to obtain a CDP. Suggested Modification 11 provides guidance that the normal rotation of livestock from one pasture to another does not qualify as increasing the intensity of use. However, the conversion of an existing grazing area to cultivated agriculture, orchard, or vineyard shall be interpreted as an increase in the intensity of use. This exemption does not include confined animal facilities except for those in association with exempt household pets or unless such development is otherwise exempt in compliance with this Section.

Using the same criteria as described above for cultivated agriculture, new or expanded grazing operations would be exempt from the Coastal Development Permit requirement under limited circumstances where new or expanded grazing meets all of the following criteria:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees.

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.

(6) Meets the requirements of in Section 35.20.040.C.1.

The expansion or construction of water wells or septic systems are specifically identified under Sections 13250 and 13253 as development that requires a Coastal Development Permit. Therefore, the County's proposed language to allow the reconstruction of septic systems in Special Problem Areas is not consistent and is eliminated from the list of

potentially exempt categories of development pursuant to LCPA 1-09-A Suggested Modification 11.

Additionally, the subject LCP Amendment proposes to add language to identify animal keeping permit requirements, including multiple exemptions in each zone district. The certified LCP does not uniformly identify animal keeping provisions for all zone districts. The proposed language fills in gaps where the current LCP does not specify guidelines and in many cases provides that animal keeping is exempt, whereas the certified LCP often identifies such activities as “Permitted Uses” requiring a permit.

Suggested Modification 9, Exhibit 4, modifies the Animal Keeping Tables to eliminate nearly all of the proposed animal keeping exemptions. Consistent with the current certified LCP, Suggested Modification 9, Exhibit 4, identifies most animal keeping activities as ‘principal permitted uses’ or ‘permitted uses’, rather than exemptions from the requirement to obtain a Coastal Development Permit. Only limited new exemptions have been retained within the proposed Animal Keeping Tables. Specifically, household pets including dogs, cats, birds, rabbits, etc.; wildlife rehabilitation activities, and separate category of animal keeping just for dogs continue to be exempt pursuant to Suggested Modifications 9 and 11.

The County is requesting that all of the changes to the Animal Keeping Tables, where modified from Exempt to Principal Permitted OR from Exempt to Permitted Use, be removed. County staff has suggested that all confined animal facilities associated with animal keeping would be allowed with the same permit required for the animal keeping. Therefore, exempt animal keeping as proposed in the LUDC would potentially include any manner of confined animal facilities such as barns and corrals. As revised by the Suggested Modifications to this report, most animal keeping is not exempt and separate animal keeping facilities largely also require a Coastal Development Permit.

There is nothing in the Coastal Act or the certified LUP to support widespread exemptions for animal keeping and associated confined animal facilities as requested by the County. In fact, such accessory structures have the potential to adversely impact coastal resources if not designed and implemented properly.

The Commission finds that the new exemption provisions, as proposed, are not adequate to ensure that potential adverse effects to environmentally sensitive habitat, public access, or public views would not result from development within the Coastal Zone. As proposed, this amendment would globally exclude certain types of development from the coastal permit requirements regardless of whether such development would result in adverse effects to coastal resources. As a result, the proposed amendment would not adequately implement the LUP policies with regard to protection of coastal resources. Therefore, Modifications 9 and 11 are suggested in order to add additional restrictions on the types of development that are exempt from coastal permit requirements. This modification will still allow for the exemptions from permit requirement for the categories listed in the existing certified LCP, provided that such development would not result in any potential adverse effects to environmentally sensitive habitat and other coastal resources.

Similarly, the Commission finds that LCPA 1-09-A Suggested Modification 19 is necessary to ensure adequate implementation of the LUP with regard to protection of coastal resources. LCPA 1-09-A Suggested Modification 19 provides clarifying language to ensure that any temporary use listed in Table 4-10 shall only be exempt in the Coastal Zone if it also meets the additional requirements outlined in the temporary event guidelines. Additionally, temporary trailers must meet the regular exemption criteria specified in the exemption section, 35.20.040.C.1.

8. Coastal Zone and Inland Area Combined

The existing certified LCP is a stand-alone document. The CLUDC and MLUDC merge both the certified zoning code for areas within the Coastal Zone as well as the relevant zoning code for Inland areas. Given the number of differences between the policies and provisions of the Coastal and Inland areas, the resulting Land Use and Development Code documents are intricate.

It is essential that the policies and provisions of the Land Use and Development Code document clearly identify which apply within the Coastal Zone and are therefore intended be part of the certified LCP. Without proper identification, there may be conflicts or uncertainty as to the implementation of the provisions of the LCP.

The CLUDC and MLUDC contain both LCP policies and Comprehensive Plan (Inland) policies, which in some cases are mutually exclusive. Some policies are specifically designated for inland areas only. In addition, some policies address community objectives unrelated to the Coastal Act. It is inappropriate for policies not covered by the Coastal Act to be certified as part of the Local Coastal Program. However, the deletion of such language is not appropriate given that the project represents a regional planning approach.

In this case, there are several provisions which need further clarification as to their applicable location and therefore whether a component of the LCP. It is a consequence of combining the Coastal and Inland areas into one intricate document that some provisions may not be clearly identified. Therefore, to strike a balance which allows non-coastal language to remain as part of the document but which shall not be deemed part of the certified LCP, the Commission finds that LCPA 1-09-A Suggested Modification 1 is necessary to clearly identify provisions that are applicable only within the Coastal Zone, applicable only within the Inland Area, or applicable within both areas. By identifying which provisions only apply to the Inland area, it shall be understood that such provisions are not certified as part of the LCP.

Another potential interpretive question resulting from the merger of Coastal and Inland documents arises because the Land Use and Development Code document that was submitted included attachments that were not adopted or incorporated as part of the CLUDC. Attachment 1 in particular provides a summary of the certified provisions from other Community, Specific, and Area Plans. Though the language in the Attachment may be representative of the intent of the provisions, the language is not verbatim to the certified version of these documents. To avoid confusion and to ensure the accurate standard of review for any projects in those areas, the Commission finds that

LCPA 1-09-A Suggested Modification 31 is necessary to provide clarifying introductory language explaining that the complete text, policy information, and precise language must be obtained from the certified documents.

9. Removal of Outside References and LCP Amendments

Section 30514 states:

> (a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.
>
> ...

The County's amendment makes a number of references to documents in ways that could be interpreted as land use guidance. These referenced materials have not been submitted as an LCP amendment, are not presently part of the certified LCP, and are subject to change without further notice to the Commission. Furthermore, the overall incorporation (by reference in this case) of such documents into the certified LCP has potential wide-ranging effects that were not specifically reviewed for impacts to coastal resources or adequately addressed during noticing of the LCP amendment. Therefore, to ensure that all implementing ordinances, regulations, or other actions within the coastal zone are officially certified as required under Section 30514 of the Coastal Act, the Commission finds that LCPA 1-09-A Suggested Modifications 2, 16, and 17 are necessary to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP.

Where specific references to external documents are incorporated into policies or standards and which may inadvertently incorporate larger issues that are not subject to this amendment, and subsequently have the potential to weaken implementation of such provisions, the Commission finds that such references shall be deleted as provided in LCPA 1-09-A Suggested Modifications 2, 16, and 17. LCPA 1-09-A Suggested Modification 2 removes references to documents where it may be interpreted to incorporate uncertified outside documents as part of the certified LCP. LCPA 1-09-A Suggested Modification specifically addresses outside references relating to Floodplain Management and LCPA 1-09-A Suggested Modification 17 specifically eliminates potentially confusing references to the Hazardous Waste Element. These outside documents may change guidelines or provisions without further notice to the Commission since they are not certified as part of the LCP. In some cases, removing the reference occurs in conjunction with incorporating the applicable standards directly.

Though external documents cannot be relied upon for land use and permitting decisions in the Coastal Zone unless adopted, incorporated and certified by the Commission, this limitation does not preclude the County's administrative use of these documents for informational purposes during CDP review and does not limit their applicability to other required approvals or permits.

In addition to references to outside documents, potential conflicts may arise under Coastal Act Section 30514 as a result of inaccurate or incomplete information with regard to processing LCP Amendments. To avoid any future confusion and eliminate

any implied future approval, LUP Modifications 8 and 30 clarify that any future modification(s) to the CLUDC or MLUDC or the implementing actions, including any updates to other State laws, shall not be effective until and unless it has been certified by the Coastal Commission as an amendment to the LCP. Specifically, Section 35.104 of the CLUDC provides guidance regarding procedures and processing of Amendments to the Land Use and Development Code. LCPA 1-09-A Suggested Modification 30 provides processing clarifications to ensure that an amendment to the CLUDC also requires an amendment to the certified LCP consistent with Coastal Act Section 30514.

In addition, in some cases, a Development Agreement between the County and an applicant may provide a level of specificity in which the Development Agreement itself requires an LCP Amendment. To ensure that Development Agreements are certified as necessary, LCPA 1-09-A Suggested Modification 23 describes the circumstances under which a Development Agreement is only effective once it is certified by the Commission.

10. <u>Incorporation of Existing Certified Language</u>

In some cases, the CLUDC and MLUDC do not accurately reflect the existing provisions of the certified LCP. In some cases, the revised language could diminish the existing protection afforded coastal resources. To ensure adequate implementation of the coastal resources policies of the LUP, the Commission finds that it is necessary to re-insert language from the existing certified LCP where the loss of such language creates confusion regarding implementation or results is diminished protection of coastal resources. Specifically, the Commission suggests Modifications 18, 26, and 28 to address short-coming in the interpretation of: the Rural Recreation land use type, oil and gas facilities, and numerous other sections and subsections of the proposed CLUDC and MLUDC.

LCPA 1-09-A Suggested Modification 18 addresses rural recreation as a land use type in some zone districts. Rural recreation is a land use type that is identified as an allowed use in the Agricultural Zones and Resource Protection Zones. The existing certified LCP identifies rural recreation as low intensity recreational uses within the Agricultural II zone, Resource Management zone, and Mountainous Toro zone. However, each of the zones has a different list of potential low intensity recreational uses and some provide additional standards and some do not. LCPA 1-09-A Suggested Modification 18 re-inserts the uses and zone standards to be more consistent with the existing certified LCP.

Similarly, LCPA 1-09-A Suggested Modification 26 is necessary to ensure that the language regarding facilities related to oil and gas development more accurately reflects the language of the existing certified LCP and provides the same level of protection of coastal resources.

LCPA 1-09-A Suggested Modification 28 is much more broad based and identifies a number of individual sections and subsections within the Land Use and Development Codes that have not reflected the existing provisions of the LCP to the appropriate detail. LCPA 1-09-A Suggested Modification 28 re-insert language from the existing

certified LCP where the loss of such language would not adequately implement the LCP, including circumstances in which it is not clear that any exceptions or modifications to approvals must be consistent with all other provisions of the LCP.

11. Consistency With Previous Certified LCP Amendments

The Countywide LUDC submitted as STB-MAJ-1-09-A reflects a published date of May 2008 and the Montecito LUDC submitted as STB-MAJ-1-09-B reflects a published date of June 2008. In addition, each document has been updated with Replacement Pages from August 2008. Though these documents, as amended with August 2008 replacement pages, have been published after the certification date of LCP Amendments 1-05-A, 1-05-C, and 2-06, neither Development Code incorporates the suggested modifications that were adopted by the Board of Supervisors. These LCP amendments were approved and certified by the Commission in 2007 and 2008 ; however, the applicable Suggested Modifications were not incorporated into the proposed CLUDC and MLUDC by the County. This was apparently due to the overlap in the timeline of the certification of the amendments in relation to the completion of the Land Use and Development Code rather than an intentional omission. To ensure protection of coastal resources and ensure adequate implementation of the LCP, the Commission finds it necessary to re-insert the language of previously approved LCP Amendments 1-05-A (Board of Architectural Review), 1-05-C (Telecommunications), and 2-06 (Noticing and Appeals) pursuant to LCPA 1-09-A Suggested Modifications 3, 5, 6, and 20.

LCPA 1-05-A (Boards of Architectural Review) was certified on June 11, 2008 and served as the mechanism to revise the existing design review procedures and recognize multiple regional Boards of Architectural Review (BARs) in the Coastal Zone. However, given the overlap in the timeline of the certification of LCPA 1-05-A in relation to the development of the CLUDC, the certified text (including LCPA 1-05-A Suggested Modifications) was not incorporated into the CLUDC. To ensure that all implementing ordinances, regulations, or other actions within the coastal zone are officially certified as required under Section 30514 of the Coastal Act and to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP, the Commission finds that LCPA 1-09-A Suggested Modification 6 is necessary to re-insert the Commission's previously approved language regarding Design Review and the Regional BARs consistent with the coastal resources protection policies of the LUP pursuant to the Commission's January 9, 2008 approval, with Suggested Modifications, and resolution of certification contained in the December 20, 2007 staff report.

LCP Amendment 1-05-C (Telecommunications) was certified on June 14, 2007. The certified language of LCPA 1-05-C provided new procedures and development standards regarding the construction and use of commercial telecommunication facilities and provided new procedures and development standards for the construction and use of non-commercial telecommunication facilities. However, the suggested modifications approved by the Commission on March 15, 2007 were not incorporated into the CLUDC. To ensure that all implementing ordinances, regulations, or other actions within the coastal zone are officially certified as required under Section 30514 of

the Coastal Act, the Commission finds that LCPA 1-09-A Suggested Modification 20 is necessary to re-insert the Commission's previously approved language regarding telecommunications with the coastal resources protection policies of the LUP pursuant to the Commission's March 14, 2007 approval, with Suggested Modifications, and resolution of certification contained in the February 28, 2007 staff report. LCPA 1-09-A Suggested Modification 20 re-inserts the Suggested Modifications from LCPA 1-05-C necessary to protect coastal resources, including visual resources, public access and recreation, and environmentally sensitive habitat.

The purpose of LCP Amendment 2-06 was twofold: (1) to update permit processing and appeals procedures and (2) to update noticing procedures. LCPA 2-06 was certified on March 5, 2008. With regard to permit processing and appeals, the certified language of LCPA 2-06 provided updated procedures for processing Coastal Development Permits, Development Plans, and Conditional Use Permits, including changes or amendments to planning permits, zoning clearances, processes for issuance, and appeals. A primary goal was to remove the issuance of follow-up CDPs which were processed without a hearing and after the other discretionary permits. In addition, the suggested modifications certified pursuant to LCP Amendment 2-06 addressed errors and inefficiencies within the current system of noticing appealable development to the Coastal Commission. The noticing and appeals process characterized within the CLUDC and MLUDC has the potential to adversely impact the public's ability to participate fully in the decision-making process for development within the coastal zone.

The minimum requirements for noticing and appeal procedures for local Coastal Development Permit applications and approvals are established by Sections 13560 – 13572, Article 17 of Title 14 of the California Code of Regulations. In addition, Section 30603 of the Coastal Act guides the implementation of appeals after certification of a local coastal program. However, the proposed noticing and appeal procedural requirements within the CLUDC and MLUDC do not reflect the updates to the noticing and appeal suggested modifications within LCPA 2-06 which were intended to bring the noticing and appeals requirements into conformance with Sections 13560-13572 of the Commission' regulations.

Therefore the Commission finds that LCPA 1-09-A Suggested Modifications 3 (Appeals) and 5 (Noticing) are necessary to re-insert the Commission's previously approved language regarding processing, appeals and noticing consistent with the coastal resources protection policies of the LUP, consistent with Sections 13560-13572 of the Commission's regulations, and pursuant to the Commission's November 14, 2007 approval, with Suggested Modifications, and resolution of certification contained in the October 29, 2007 staff report. LCPA 1-09-A Suggested Modification 5 also includes several minor clarifications in support of the Noticing updates approved in LCPA 2-06, including the responsibilities of the applicant and the County, contents for Notices of Final Action to the Commission, the size of posted signs, and a consolidation of overlapping requirements into one section. These clarifications serve to enhance implementation of the Noticing updates approved in LCPA 2-06.

The certified language of LCPA 2-06 provided updated procedures for processing Coastal Development Permits. A primary goal of LCPA 2-06 was to remove the

issuance of follow-up CDPs which were processed without a hearing and after the other discretionary permits. However, since the certification of LCPA 2-06 it has become apparent that additional clarifications are warranted in other locations of the LCP to ensure consistent implementation. Specifically, clarifications are necessary to ensure that Coastal Development Permits are processed concurrently with Development Plans, Minor Conditional Use Permits, and Major Conditional Use Permits where CDPs are required in the Coastal Zone. Therefore, the Commission finds that LCPA 1-09-A Suggested Modification 4 is necessary to provide additional clarification that CDPs must be processed concurrently with other discretionary permits and that a Zoning Clearance in the Coastal Zone represents the clearance of prior-to-issuance conditions, thereby signaling that the Coastal Development Permit may be *issued*. This supports the action to remove the previous procedure for follow-up CDPs.

12. <u>Updates for Consistency With State Law</u>

Changes are proposed to the certified LCP to reflect revisions in State law regarding Mobile home Parks, Recycling facilities, Solar energy systems, and Storm water runoff requirements. See 'State Law' under Section V.A.1, 1-09-A Project Description and Section V.A.2, 1-09-B Project Description. These changes are relatively minor and are not expected to result in any significant adverse effects on coastal resources. However, two other Sections of the existing certified LCP will be significantly amended in a way that diminishes the current provisions in the certified LCP that provide for the protection of coastal resources. The Density Bonus for Affordable Housing and Surface Mining and the Reclamation and Surface Mining Permit sections are discussed below.

The currently certified LCP contains provisions to allow for a Density Bonus for Affordable Housing. The purpose of these provisions is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. The County has indicated that their intent is to update the Density Bonus provisions in accordance with the latest laws, as a practical matter, the proposed revisions to these sections in both the CLUDC and MLUDC would serve to remove the specificity regarding density bonus program implementation and incentives as applied within the Coastal Zone. In particular, the revised Section no longer indicates that such bonuses and incentives must be consistent with the other resource protection provisions of the LCP in order to avoid adverse impacts to coastal resources. Additionally there would no longer be any maximum limit on density bonuses.

The key issues raised with regard to density bonuses and incentives are the potential impacts to coastal resources if incentives include reduction in infrastructure requirements in a manner inconsistent with LUP Policy 2-6, if sited in rural areas, and/or if no maximum limits are placed on the density bonuses.

Density bonus program incentives such as reduced infrastructure requirements could give rise to conflicts with LUP Policy 2-6, and with Coastal Act Section 30250, which require adequate infrastructure as a condition of development. Additionally, LUP Policy 2-12 specifically states that "density may be increased for affordable housing projects

provided such projects are found consistent with all applicable policies and provisions of the Local Coastal Program." The density bonus program potentially exempts qualified projects from providing the same infrastructure and/or improvements that would be required of other residential development. Therefore LCPA 1-09-A Suggested Modification 33 clarifies that any density bonus project, including the incentives, must be found consistent with all applicable policies and provisions of the LCP, including the infrastructure and public service requirements, among others.

The proposed revisions to the language within the CLUDC and MLUDC would change the requirement that projects subject to the density bonus program may only be located in urban areas by changing the text from "shall" to "should" be located in an urban area . Expansion of the density bonus program into rural areas would result in significant potential impacts to infrastructure, water or groundwater supplies, sewage disposal, long-term agricultural viability, visual resources, among others. LCPA 1-09-A Suggested Modification 33 requires that density bonus projects shall be sited only in urban areas, to be served by water districts as well as municipal sanitary districts to avoid additional impacts on limited groundwater supplies and other coastal resources.

The proposed density bonus section within the CLUDC and MLUDC also provides potentially unlimited additional density bonuses (above the initial 25 percent bonus allowed) as an additional development incentive, further contributing to a potential gap between the demand for, and the provision of, public services and resources. For this reason, LCPA 1-09-A Suggested Modification 33 limits the maximum allowed density bonus to 50 percent.

LCPA 1-09-A Suggested Modification 33 incorporates some of the specific provisions from Government Code Section 65915 et seq. directly into the CLUDC with regard to applicability and program parameters. Additionally, the Modification provides a maximum density bonus of 50% above the base zone density and provides that incentive or other concessions may only be granted in the Coastal Zone provided that such incentives or concessions are consistent with all other applicable policies and provisions of the LCP and do not create adverse impacts on coastal resources.

The existing certified LCP includes provisions for Reclamation and Surface Mining Permits pursuant to the California Surface Mining and Reclamation Act of 1975 (hereinafter SMARA). This Section, as proposed, makes changes to the previously certified Zoning Code that would be applicable to both the Inland area and Coastal Zone and in both the CLUDC and MLUDC. The proposed changes would serve to reduce the specificity regarding implementation and required procedures for such development within the Coastal Zone. LCPA 1-09-A Suggested Modification 32 clarifies that mining constitutes development within the Coastal Zone and requires a Coastal Development Permit. Further, mining is not a designated principal permitted use and therefore all mining CDPs are appealable to the Coastal Commission.

13. <u>Applicability, Interpretation, and Conflicts</u>

Section 30522 of the Coastal Act states:

> Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency that are formally adopted by such agency, are used in the regulatory program of such agency, and are legally enforceable.

The proposed CLUDC and MLUDC provide an introduction to the Land Use and Development Code which specifies the purpose of the Land Use and Development Code, the types of developments or agencies that are excluded from the requirements of the Land Use and Development Code, the relationship between the Comprehensive Plan and the LCP, and means of resolving conflicts amongst the provisions of the Land Use and Development Code.

The CLUDC and MLUDC will significantly modify the interpretive policies and provisions of the existing certified LCP, in part due to incorporation of the Inland Area. Whether intended or inadvertent, several changes in the applicability, interpretation, and means of resolving conflicts within the Coastal Zone are not consistent with the requirements of the Coastal Act or LUP and are not protective of coastal resources. Coastal Act Policy 30522 does not allow certification of an LCP that provides for a lesser degree of environmental protection than other adopted plans, programs or policies of the regulatory agencies, including the existing certified LCP. To ensure the maximum level of protection of coastal resources, the Commission finds that LCPA 1-09-A Suggested Modification 8 is necessary to clarify the purpose and authority of the LCP in relation to the Inland area polices and provisions.

LCPA 1-09-A Suggested Modification 8 reapplies existing certified language regarding the purpose, authority, and existing ordinances of the certified LCP. In addition, Suggested Modification 8 specifies the hierarchy of conflict resolution in the Coastal Zone as follows: (1) the provisions of the LCP shall take precedence over any other non-certified provisions, guidelines, or plans where conflicts occur with non-certified document and (2) the standards that are most protective of coastal resources shall take precedence where conflicts occur within the LCP (unless otherwise specified).

LCPA 1-09-A Suggested Modification 8 also updates the language that describes the development that must comply with the provisions of the CLUDC, by adding clarifications and deleting an existing inconsistency within the LCP which indicated that certain repair and maintenance activities are not subject to the CLUDC. Finally, LCPA 1-09-A Suggested Modification 8 addresses two other important implementation issues: (1) it clarifies that in the Coastal Zone, where provisions of State law are amended, such changes require an LCP amendment to be effective within the Coastal Zone and (2) provides a full list of updated zoning maps and overlays.

Furthermore to ensure consistent application and interpretation of development standards and permit procedures, the Commission finds that LCPA 1-09-A Suggested Modifications 12 and 22 are necessary. LCPA 1-09-A Suggested Modification 12 provides clarification throughout the CLUDC that development in the Coastal Zone is subject to *all* provisions of the certified LCP, not solely the development standards identified in each zone district. This modification also includes minor clarifications within

the zone district standards to bring the text back into conformance with the existing certified language of the LCP.

LCPA 1-09-A Suggested Modification 22 specifies that discretionary modifications from the promulgated zone standards during planning permit approval shall not adversely impact coastal resources. LCPA 1-09-A Suggested Modification 22 adds language that such planning permit modifications must be consistent with all other applicable resource protection policies of the LCP.

14. General Implementation and Processing

Application Contents

The specific contents necessary to satisfy the filing requirements for new applications for each of the planning permits (e.g. Coastal Development Permits, Conditional Use Permits, Development Plans) that were previously required pursuant to the certified Zoning Code have not been incorporated into the CLUDC or MLUDC. The required contents for new applications are now specified within the application forms for each of the planning permits. The County indicates that it is necessary to leave the contents flexible to ensure that the Planning Department has the ability to specify requirements as necessary. Given that the list of contents specified in the existing certified LCP are rudimentary, and that the list of requirements may be project- and site-specific, LCPA 1-09-A Suggested Modification 7 provides an overarching statement of the minimum information requirements in order to make an informed decision regarding consistency with the LCP. If modified as suggested, the effect will be that there is no lesser degree of information requirements.

Economic Hardship

Pursuant to request by the County and consistent with the LUP and Commission's regulations for permit processing, LCPA 1-09-A Suggested Modification 25 modifies the time extension process for permits to allow additional time extensions for reasons of economic hardship; however, this provision is only effective until January 12, 2012. Specifically, the Director may extend planning permits for an additional 24 months where findings of economic hardship can be made.

Glossary

Hundreds of definitions have been added to the CLUDC. The nuances in the proposed definitions can impact how the policies and provisions of the Code are interpreted and implemented. As a result, some modifications are necessary to support the objectives of the other suggested modifications herein, particularly to provide guidance on interpreting the Allowed Land Use Table, to implement the system of Principal Permitted Uses, and to revert some definitions back into their original certified version. Therefore the Commission finds that LCPA 1-09-A Suggested Modification 27 is necessary to make modifications and clarifications to definitions provided in the glossary.

Interim Montecito Zoning Code

The CLUDC effectively removes all components of the certified Zoning Codes that applies to the Montecito Community Plan Area because a separate Land Use and

Development Code was developed separately for Montecito. Because the CLUDC and MLUDC are being separately processed as LCP Amendments, i.e., LCPA 1-09-A for the CLUDC and LCPA 1-09-B for the MLUDC, there is a possibility that one document may be certified before the other. This only causes confusion if the CLUDC is certified prior to the MLUDC since the rest of the County would have a certified LUDC but not Montecito. Therefore, to ensure that it is abundantly clear which certified LCP provides the standard of review, the Commission finds that Suggested Modification 36 is necessary to specify that the existing certified zoning code (Article II) shall be effective for Montecito, rather than the CLUDC, until and unless the Montecito LUDC is certified by the Coastal Commission as a separate zoning document through the LCP amendment process.

Other Reference Errors and Related Corrections
The proposed amendment recreates two new comprehensive zoning documents. The proposed amendment includes a few other minor corrections and clarifications besides those described in the Suggested Modification herein. LCPA 1-09-A Suggested Modifications 29 corrects minor errors and omissions where the lack of information may cause inadequate interpretation and implementation of the LCP.

Renumbering
Though every effort has been made to correctly identify locations where numbering of sections or references has occurred as a result of the Suggested Modifications herein, there may be cases where a reference or section number was overlooked due to the length and complexity of the Modifications. Therefore, the Commission finds that LCPA 1-09-A Suggested Modification 35 is necessary to give the County the ability to renumber references and section numbers as necessary to incorporate the Suggested Modifications in full.

15. <u>Coastal Resources</u>

Bluff Development
LUP Policies 3-4, 3-5, and 3-6 provide development standards that (1) require new development on a blufftop to be set back from the bluff edge a sufficient distance to ensure that it will not be endangered or threatened by erosion or slope instability for a 75-year projected life of the development, or in some cases 50-year project life, and (2) prohibit activities that contribute to erosion of the bluff face or create instability of the bluff. The bluff setback requirement applies to the principal structures. LUP Policy 3-5 allows for certain minor ancillary structures within the setback as follows:

> 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.

The primary purpose of the bluff protection policies is to size, site and design blufftop development to minimize risk from beach and bluff erosion hazards so that the development will not require a shoreline protection structure at any time during the life

of the development. Minor developments such as decks, patios and walkways that do not require structural foundations may extend into the setback because these types of associated developments may more easily be removed and relocated and would not be considered a principal development that would warrant a shoreline protective device.

The certified LCP does not presently specify that minor improvements would be improvements that do not require a structural foundation. Further the certified LCP does not provide a minimum setback distance for ALL development. The Zoning Ordinance/Implementation Plan is intended to implement the provisions of the LUP. In this case, the Commission finds that LCPA 1-09-A Suggested Modification 21 is necessary to: provide additional specificity with regard to the interpretation of minor improvements, ensure that there is at least a minimum setback of 15 feet from the bluff edge for all development, and clarify that these minor developments shall be removed or relocated landward if threatened by erosion. However, Suggested Modification 21 allows for a specific exception to the 15-ft bluff setback such that visually permeable and visually compatible fences required for safety purposes and public accessways (e.g. public trails) that qualify as minor improvements may be located closer than 15 feet from the bluff edge but in no case shall the development be located closer than five feet from the bluff edge. Where existing bicycle paths occur closer than 15 ft from the bluff edge, such paths may be repaired and maintained in perpetuity.

LUP Policy 3-7 directly restricts the types of development that may be allowed on a bluff itself as follows:

Coastal Plan Policy 3-7

> 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.

In addition, several other policies and provisions of the LUP address issues regarding structures along bluffs, including issues of erosion and stability, visual resources, sensitive habitat, public access, landform alteration and new development. Some of the relevant policies are provided below.

Coastal Plan Policy 1-1 formally incorporates the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan, including the following relevant sections:

> Coastal Act Policy 30240
>
> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.
>
> Coastal Act Policy 30250

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

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Coastal Act Policy 30251

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

Coastal Act Policy 30253

New development shall: 1. Minimize risks to life and property in areas of high geologic, flood, and fire hazard. 2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Coastal Plan Policy 3-14:

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

Coastal Plan Policy 4-5:

In addition to that required for safety (see Policy 3-4), further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structure 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.

Structures on a bluff have the potential to adversely impact: visual resources, public access where structures destabilize the bluff system, coastal bluff habitat, and coastal erosion hazards inconsistent with the resource protection policies of the Coastal Act as incorporated by reference into the certified LCP by LUP Policy 1-1 as well as the other resource protection policies and provisions of the LUP as described above.

Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. Coastal bluffs, such as this one, are unique geomorphic features

that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. Further, due to geologic structure and soil composition, bluffs are often susceptible to surficial failure, especially with excessive water infiltration.

The Commission notes that while structures located on a bluff slope may presently be feasible from a geologic point of view, in order to maintain these structures, due to the dynamic system of bluffs, further improvements such as concrete block walls and/or other protective structures may be necessary to ensure slope stability in the future. Retaining walls or other structures which are located on coastal bluffs result in adverse impacts to the shoreline sand supply through the retention of beach sand material which would naturally be released to the littoral system slowly over time. In addition, retaining walls or other supporting measures could result in further adverse impacts to natural landform alteration and visual resources from the public areas to and along the coast.

In past permit actions, the Commission has found that new development on a bluff face may potentially result in increased erosion and alteration of the bluff face and that such development is not consistent with the Coastal Act. Coastal Development Permit Application 5-97-300 (Nasr) for construction of a stairway and retaining wall on a coastal bluff was denied. Coastal Development Permit Application 4-95-110 (Nichols) for restoration of a bluff and construction of a drainage swale/stairway on the bluff face was approved only with the condition that revised plans for the deletion of the stairway/drainage device be submitted. Coastal Development Permit Applications 5-89-1045 (Campa), 5-90-1080 (Golod), and 5-91-632 (Zal) for the placement of new stairs on bluff slopes were denied by the Commission. Coastal Development Permit Application 5-85-758A (Norred) for an increase in the size of a blufftop single family residence and the addition of an elevator shaft where such additions would encroach onto the bluff face was denied by the Commission. Coastal Development Permit Application 5-90-830 (Sprik) for the construction of a single family residence located on a bluff face was also denied.

The Commission notes that bluffs are unique coastal landforms that are inherently unstable due to steep slopes, groundwater seepage and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes. Rain water running off such structures over time tend to undercut and erode the area of the bluff immediately behind the structure. Additionally, the loss of vegetation through the altering of the natural landforms increases the erosion potential.

New development on bluffs can result in cumulative adverse effects to marine and bluff habitat, including coastal bluff ESHA. Coastal bluff scrub is a rare and threatened plant community. Such communities have been displaced by physical structures along the coast and displaced by ornamental and invasive plant species used for landscaping. Any development on the bluff face that removes vegetation may simultaneously be removing nesting, feeding, and shelter habitat for shoreline animals which would result in a loss or change in the number and distribution of species.

In addition, the development on a bluff face, such as stairs on a coastal bluff, are often visible from public viewing areas to and along the coast. The Commission notes that the development on a bluff face does not serve to protect views from the public areas of the beach, minimize landform alteration, or restore and enhance visual resources in a degraded area and therefore such development is not consistent with Section 30251 of the Coastal Act.

Thus, because of the protective policies and provisions within the certified LUP, as described above, it is reasonable to assume that LUP Policy 3-7, which describes the types of development that may be applied on a bluff face, lacks specificity with regard to the type of engineered staircases or accessways that are allowed to provide beach access. LUP Policy 3-7 states that "no development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, …"

In addition, because the policy is silent as to whether the engineered staircases or access ways are intended for *private* and/or *public* beach access, this has lead to a difference in the interpretation of the existing certified LCP. The County has interpreted LUP Policy 3-7 to allow beach stairways for private use down the bluff face provided that they are appropriately engineered. However, given the very limited types of development that would be allowed on a bluff face, pursuant to LUP Policy 3-7, it seems logical that, engineered staircases for all private residential properties would result in the continued proliferation of private stairways on coastal bluffs. Moreover, such interpretation of this policy would result in significant cumulative adverse impacts to visual resources, habitat, shoreline processes, and erosion hazards as the bluff face is developed. The build-out potential for private stairways on bluff slopes is significant in Santa Barbara County given the number of residential parcels along the coast.

Thus, in order to clarify the intent of this section in the manner most consistent with the resource protection policies of the certified LCP and ensure that new development on bluff slopes will be limited to the maximum extent feasible, consistent with the provision of public access, the Commission finds that LCPA 1-09-A Suggested Modification 21 is necessary. Specifically, Suggested Modification 21 updates and clarifies the intent of Section *35.60.060* of the certified Zoning Code to ensure that new stairways on coastal bluffs shall be prohibited with the exception of new stairways for the purpose of providing public access to the beach.

Concerns raised by County staff focused on the grandfathering of private stairways in perpetuity. However, it is specifically the aim of the Suggested Modifications that such structures would become non-conforming structures and would be permanently removed at the end of their expected life. However, repair and maintenance on private stairways would be continued to be allowed, including minor structural repairs. If 50 percent or more of a staircase requires reconstruction or replacement, such activities would no longer constitute repair and maintenance but instead constitutes a replacement structure. At that time, it would be anticipated that the stairway had reached the end of its expected life and would be permanently removed.

Coastal Hazards and Sea Level Rise

One of the main functions of a shoreline protective device such as a seawall or revetment is the protection of the property or structures landward of the protective device. While they are often effective in protecting the landward development, however, they do nothing to protect the beach seaward of the revetment or seawall and can often have adverse effects on the nearby beach. These adverse effects ultimately cause additional adverse effects on the availability of public access to a beach. Scouring and beach erosion resulting from construction of a seawall or rock revetment will translate into a loss of beach sand at an accelerated rate. The resultant sand loss will be greater during high tide and winter season conditions than would otherwise occur if the beach were unaltered. In addition, as wave run-up strikes the face of the protective device and is deflected seaward, wave energy is concentrated at the face of the wall and ocean conditions along the beach will become more turbulent than would otherwise occur along an unarmored beach. The increase in turbulent ocean conditions along the beach will accelerate displacement of beach sand where the seawall is constructed over time.

The effects of shoreline protective devices on a beach has been documented in numerous past permit decisions by the Commission along the California shoreline. The Commission has found that one of the most critical factors controlling the impact of a shoreline protective device on the beach is its position relative to the surf zone. All other things being equal, the further seaward the wall is, the more often and more vigorously waves interact with it. The best place for a seawall or revetment, if one is necessary, is at the back of the beach where it provides protection against the largest of storms. By contrast, a seawall constructed too near to the mean high tide line may constantly create problems related to frontal and end scour, as well as upcoast sand impoundment. Even though the precise impact of a structure on the beach is a persistent subject of debate within the discipline of coastal engineering, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile whether it is a vertical seawall or a rock revetment. It has been well documented by coastal engineers and coastal geologists that shoreline protective devices will adversely impact the shoreline as a result of beach scour, end scour (the beach area at either end of the structure), the retention of potential beach material behind the wall, the fixing of the back beach, and the interruption of longshore processes.

An additional concern relative to shoreline erosion is the phenomenon of sea level rise. There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion. For fixed structures on the shoreline, such as residences or protective devices, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. A small increase in wave height

can cause a significant increase in wave energy and wave damage. Combined with a physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces. An additional concern is that climatic changes associated with global warming and sea level rise could cause changes to storm patterns and wave activity for the entire coast. It is quite possible that some portions of the coast will experience more frequent storms. For these additional reasons to minimize future storm damage and to protect public access, it is important that new development along the shoreline, including shoreline protective devices, be located as far landward as feasible in order to minimize wave attack with higher wave forces as sea level rises over time.

Under the Coastal Act, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. This policy is incorporated in the LUP by Policy 1-1.

The existing LCP provides four key polices regarding shoreline protective devices. To avoid the need for future protective devices, LUP Policies 3-3 and 3-4 specify that permanent aboveground structures shall not be permitted on the dry sandy beach (with minor exception), and shall be set back a sufficient distance from the bluff edge to be safe from bluff erosion. LUP Policy 3-2 provides that construction of revetments, seawalls, cliff retaining walls, pipelines or outfalls, and other such construction is limited to those designed to eliminate or mitigate adverse impacts on local shoreline sand supply and which will not block lateral beach access. LUP Policy 3-1 provides that seawalls shall not be permitted unless the County has determined that there are no other less damaging alternatives reasonably available for protection of existing principal structures.

Consistent with the LUP policies described above, and Coastal Act Section 30253 as incorporated by reference into the LUP, LCPA 1-09-A Suggested Modification 34 adds a requirement that the best available scientific information, in the form of a coastal hazards analysis, must be provided for nearshore projects. Specifically, the coastal hazards analysis must consider the potential coastal hazards to the proposed development in association with a factor for sea level rise. The analysis must encompass potential coastal hazards from erosion, flooding, wave attack, scour and other conditions as well as localized uplift or subsidence, local topography, bathymetry, and geologic conditions. Greater sea level rise rates must be used if development is expected to have a long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. This information is essential to proper planning for long-term minimization of risks and is key to avoiding the need for a shoreline protective device for the life of the structure.

Environmentally Sensitive Habitat Areas (ESHA)

The Coastal Land Use Plan contains numerous policies that require protection of a sensitive plant and animal species and environmentally sensitive habitats, including streams and riparian habitats, wetlands (such as vernal pools), native grasslands, oak/riparian woodlands, oak forests, monarch roosting sites, and native vegetation (including coastal sage scrub and chaparral). Policies 9-1 through 9-43 of the certified LUP comprise the Environmentally Sensitive Habitat Area protection policies and serve as the standard of review for the provisions and policies of the zoning code with regard to sensitive habitat and species.

The Coastal Act and LCP recognize that the resource areas that are considered ESH are not static over time. Development across the state results in the loss of natural areas and fragmentation of habitat, subsequently certain habitats and/or plant and animal species may become more rare and their protection more critical in the future. Additionally, scientific study may reveal new information and understanding of the existence, rarity, or importance of certain habitats and species.

The Coastal Act requires that areas meeting the definition of ESH be protected, as provided by Section 30240. One way that the LCP provides for the protection of ESH is by generally depicting the location of known resources via an ESHA Overlay. However, if the policies protecting ESH were applied only to the areas shown on the Overlay, there would not be complete assurance that all areas meeting the definition of ESHA would be protected as required by the Coastal Act. The ESHA Overlay is a valuable source of information on the presence of sensitive resources and is a useful tool for identifying many of the habitat areas that meet the definition of ESH. However, mapping is not the definitive designation of ESHA. It requires an on-the-ground determination on a site-by-site basis. It is also clear that the ESHA Overlay must be updated periodically to reflect current information.

The certified ESHA Overlay is designed accommodate the identification of new ESHA. However, as proposed some provisions have lost their specificity when translated into the new CLUDC and MLUDC formats. Therefore it is necessary to provide an additional specification that if new ESHA is identified, then the subject development is subject to all of the applicable standards of the ESHA Overlay. Therefore the Commission finds that Suggested Modification 15 to LCPA 1-09-A is necessary to provide this clarification within the ESHA Overlay. Additionally, LCPA 1-09-A Suggested Modification 15 clarifies that ESHA adjacent to a proposed project site also warrants protection under the ESHA protection provisions. Further, LCPA 1-09-A Suggested Modifications 15 provides clarifying language to ensure that the standards and provisions of the ESHA Overlay shall still apply in cases where habitat or species have been destroyed or removed unlawfully.

Another potential issue of consistency with the LUP is raised with regard to stream and riparian corridors. Limiting the designation of ESHA to the *top of creek bank* in all cases discounts the importance of the adjacent riparian vegetation and canopy as integral part of the stream ecosystem and habitat. Riparian vegetation associated with streams is a critical factor in protecting the stream channel itself by providing area for infiltration of

runoff, minimizing erosion and sedimentation. Additionally, riparian areas are species-rich because of their multi-layered vegetation, available water supply, vegetative cover, and ability to provide central connectivity with other habitats. This habitat type is vital in connecting biological communities from the highest elevation of chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way. As a result of these factors, riparian areas are an essential refuge and oasis for much of the area's wildlife.

Furthermore, the certified LCP already recognizes the importance of riparian vegetation by including it in the ESHA designation. LUP Policy 9-37 provides for protection of streams such that "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 reestablishment of riparian vegetation to its prior extent to the greatest degree possible."

For the above reasons, the Commission finds that ESHA is not limited to the creek channel, but rather includes the entire riparian canopy. Therefore, the Commission finds it necessary, pursuant to LCPA 1-09-A Suggested Modification 15, to revise the development standards for stream habitat buffers such that the minimum buffer shall be established from the outer edge of the canopy or the top of creek bank, whichever is greater.

Furthermore, additional modifications are necessary to ensure the accurate and appropriate implementation development standards. Correspondingly, LCPA 1-09-A Suggested Modification 15 makes other minor modifications that: ensure that the revised language in the ESHA Overlay is consistent with the protection provided in the existing certified LCP and rectify an existing internal inconsistency regarding nonconforming structures.

16. <u>Montecito Community Plan Area</u>

As proposed, the Montecito Land Use and Development Code is a new stand alone document that applies to both the Coastal Zone and non-Coastal Zone portions of the Montecito Community Plan area. The MLUDC includes only the relevant segments of the certified Zoning Ordinance, as applicable to the Montecito Community Plan area. The MLUDC format and text reproduces the format and text of the County Land Use and Development Code to be nearly identical. However the Montecito LUDC is considerably shorter given that there are so many fewer zone districts and thus fewer land use types and site specific standards. In particular, the primary differences between the CLUDC and MLUDC can be characterized as follows: it adds specific provisions in the existing certified LCP that state that they apply only within the Montecito Plan Area; zone districts and land use that are not within the Montecito Plan Area are not included within the MLUDC; as a result of fewer zones and land use types, many of the land use development standards do not apply; Retail Commercial is specifically proposed to be deleted from the MLUDC and Neighborhood Commercial is added as a new zone district applicable within the Coastal Zone.

Because of the nearly complete overlap in the language of the CLUDC and MLUDC, for the same reasons discussed in the findings above, LCPA 1-09-B Suggested Modification 1 requires that the Montecito LUDC shall be amended to conform with all applicable Suggested Modifications 1 – 36 as specified in LCP Amendment 1-09-A above, except as specifically modified by the suggested modifications specified for LCPA 1-09-B:

Exceptions to the global applications of LCPA 1-09-A include two modifications necessary to address the additional zone district in the MLUDC (i.e. Neighborhood Commercial) that is not applied within the Coastal Zone in the County LUDC. Specifically, accessory structures and uses that may be permitted as principal permitted use must be defined as shown in LCPA 1-09-B Suggested Modification 4, the purpose of the Neighborhood Commercial zone must identify that it applies both within Coastal and Inland Areas as shown in LCPA 1-09-B Suggested Modification 5.

Similarly, Table 1-1 of the MLUDC represents the list of zones subject to the plan and whether they apply to coastal or inland areas. Given the significantly reduced number of zones as well as the additional Neighborhood Commercial zone, LCPA 1-09-B Suggested Modification 2 provides the appropriate level of information.

Additionally the Affordable Housing Overlay must clarify that it is associated with the Inland areas only. Presently, the MLUDC is silent on where it applies. County staff indicated that the overlay does not cover any properties within the Coastal Zone area of the Montecito Plan Area. And since any new designation of properties with the Affordable Housing overlay would require an LCP Amendment anyway, it is reasonable to associated this as an Inland-only provision of the MLUDC.

17. <u>Montecito Rezone</u>

LCP Amendment 1-09-B includes a request to change the zone district on two properties (APNs 009-230-025 and 009-230-026) that are located within the Montecito Planning Area. The two properties would be rezoned from Retail Commercial to Neighborhood Commercial. At present, the certified LCP does not include the Neighborhood Commercial (CN) zone district. The CN zone is proposed to be added within the Montecito Land Use and Development Code (MLUDC) also pursuant to LCP Amendment 1-09-B. As a result, the rezone of these two properties is integrally linked with the Ordinance that created the MLUDC because the MLUDC accommodates the rezone by:

- Eliminating the Retail Commercial (C-2) zone. The C-2 zone would no longer be necessary because the two subject lots are proposed to be rezoned from C-2 to Neighborhood Commercial (CN); and

- Adding one new zone to the MLUDC to apply within the Coastal Zone: Neighborhood Commercial (CN). This zone does not presently exist within the certified LCP.

Currently, the two subject properties are both zoned Retail Commercial (C-2). These are the only two C-2 zoned properties in the Montecito Planning Area. All other commercially-zoned property within the Coastal Zone portion of the Montecito Community Plan area is zoned CN except for those properties that are zoned for visitor serving commercial uses (Biltmore/Coral Casino, Miramar).

The subject lots are adjacent properties located north of Coastal Village Road in Montecito, between Coast Village Road and Eleven Oaks Lane, just west of Olive Mill Road (Exhibit 3). The properties are located behind existing commercial buildings that front Coast Village Road, including the CVS/Pharmacy store. The subject lots are surrounded by residentially zoned parcels to the north, east, and west and with commercially zoned property to the south and southeast (Exhibit 3).

As shown in Table 1 in Section V.B.2, there are some similarities between the types of uses allowed in C-2 and CN; however, the CN zone provides a smaller classification of use by limiting the types of allowed land uses to those that are more aligned with neighborhood services and conveniences.

The Land Use Designation for these two properties is “General Commercial” which is defined in the certified Land Use Plan as follows:

> General Commercial: This designation has been used to denote areas suitable for many types of commercial activities. Central business district areas, district centers, service commercial, neighborhood centers, and design commercial are all contained under this designation. Permitted uses in the General Commercial designation range from convenience activities, which serve such day-to-day needs as food, drugs, gasoline, and other incidentals, to wholesale facilities which support agricultural, construction, and transportation activities.

This *General Commercial* Land Use Designation accommodates both the Retail Commercial as well as the Neighborhood Commercial zones, and therefore either zone designation would be consistent with the Land Use Designation.

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LCP to designate the appropriate location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality.

The next step is to review the proposed rezone for consistency with Section 30250 of the Coastal Act states, as incorporated by reference into the LUP, in order to assess the location of new development. Section 30250 provides that new commercial development must be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Both types of commercial development would be contiguous with areas able to

accommodate the necessary services and infrastructure and where the development can avoid impacts to coastal resources.

As can be seen from Table 1 in Section V.B.2, the two properties (APNs 009-230-025 and 009-230-026) that are proposed to be rezoned to Neighborhood Commercial would have fewer allowed land use types, particularly the elimination of mining and industrial categories of land use. In addition, many of the land use types categorized under 'Recreation, Education & Public Assembly Uses' and 'General Services' have been culled down to the types of uses that would be more in scale with a location in and near a residential neighborhood.

In addition to the changes to land uses, a rezone of the property from C-2 to CN would result in some minor changes to zone development standards. However, the height requirement would remain the same in either zone, a maximum of 35 feet in height for all structures. Table 2 in Section V.B.2 compares the zone standards for CN and C-2 and indicates that there are only minor differences between the two zone districts. In general, the changes can be characterized as more restrictive with regard to development potential of the two parcels, except that the secondary front setback may be reduced for parcels with smaller widths and a side setback would not be required.

The subject properties are located in Montecito, essentially sandwiched between the commercial area along Coast Village Road and an expanse of single family residential development (Exhibit 3). Given that the lots do not directly front Coast Village Road and the proximity and extent of residential development in the Montecito Community Plan area, it is reasonable to limit these properties to a range of uses that are more compatible with the residentially-related commercial uses desired by the community. The uses in the Neighborhood Commercial zone still provide an array of potential commercial uses. Additionally, the development standards required by the CN zone, as shown in Table 2, are protective of coastal resources, and the proposed rezone would not result in a potential increase in height, density, or lot coverage.

The Commission therefore finds that the proposed LCP amendment to rezone these two properties is consistent with and adequate to carry out the requirements of Section 30250 of the Coastal Act as well as the relevant policies of the certified LUP.

D. CONCLUSION

In conclusion, as proposed, the amended sections will not be fully adequate to carry out the provisions of the certified land use plan for the above-stated reasons and are denied as submitted. With the suggested modifications, the proposed amendment can be approved as being consistent with and adequate to carry out the provisions of the certified land use plan.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal

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

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

VII.SUBSTANTIVE FILE DOCUMENTS

Certified LCP Documents:

Santa Barbara County Coastal Plan, as amended.

Santa Barbara County Coastal Zoning Ordinance, Article II, Chapter 35 of the County Code;

Other:

California Coastal Commission Executive Director Dispute Resolution No. 3-09-015-EDD (DeCicco Mixed Use Project), 8/12/09;

California Coastal Commission Staff Report and Recommendation Regarding Santa Barbara County LCP Major Amendment 1-05-A, Board of Architectural Review, dated December 20, 2007 and Addendum dated January 7, 2008.

California Coastal Commission Staff Report and Recommendation Regarding Santa Barbara County LCP Major Amendment 1-05-C, Commercial and Non-Commercial Telecommunications, dated February 28, 2007 and Addendum dated March 8, 2007.

California Coastal Commission Staff Report and Recommendation Regarding Santa Barbara County LCP Major Amendment 2-06, Commercial and Non-Commercial Telecommunications, dated October 29, 2007 and Addendum dated November 13, 2007.

County of Santa Barbara Ordinance 4569, Case Number 07ORD-0000-00003 and -00004, *An Ordinance Amending Section 35-2, The Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code By Amending the County Zoning Map within the Montecito Community Plan Area by Changing the Zoning of Assessor's Parcel Numbers 009-230-025 and 009-230-026 from Retail Commercial (C-2) to Neighborhood Commercial (CN)*, passed, approved and adopted by the Board of Supervisors, November 27, 2007;

County of Santa Barbara Ordinance 4660, Case Number 07ORD-0000-00018, *An Ordinance Amendment 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, The Santa Barbara County Land Use and Development Code, and Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, The Santa Barbara County Montecito Land Use and Development Code,* passed, approved and adopted by the Board of Supervisors, November 27, 2007;

County of Santa Barbara Ordinance No. 4672, Case Number 08ORD-00000-00004, *An Ordinance Amending Section 35-2, The Santa Barbara County Montecito Land Use And Development Code, Of Chapter 35, Zoning, Of The County Code, By Amending Section 35.460.050 (Road Names - Procedures, Standards, And Signs), Of Chapter 35.460 (Road Naming And Address Numbering), Of Division 35.6 (Montecito Site Development Regulations), And Section 35.474.030 (Time Extensions), Of Chapter 35.474 (Post Approval Procedures), Of Division 35.7 (Montecito Planning Permit Procedures), To Designate The Director Of The Planning And Development Department As The Review Authority For Road Naming And Renaming Applications And Time Extension Applications Where The Requirement For A Public Hearing Has Been Waived, And To Require That The Naming Of Roads Associated With Subdivisions Are Named Concurrently With The Approval Of The Subdivision,* passed, approved and adopted by the Board of Supervisors, May 27, 2008.

County of Santa Barbara Ordinance No. 4673, Case Number 08ORD-00000-00005, *An Ordinance Amending Section 35-1, The Santa Barbara County Land Use And Development Code, Of Chapter 35, Zoning, Of The County Code, By Amending Section 35.21.030 (Agricultural Zones Allowed Land Uses) Of Chapter 35.21 (Agricultural Zones), Section 35.22.030 (Resource Protection Zones Allowed Land Uses) Of Chapter 35.22 (Resource Protection Zones), Section 35.23.030 (Residential Zones Allowed Land Uses) Of Chapter 35.23 (Residential Zones), Section 35.24.030 (Commercial Zones Allowed Land Uses) Of Chapter 35.24 (Commercial Zones), Section 35.25.030 (Industrial Zones Allowed Land Uses) Of Chapter 35.25 (Industrial Zones), And Section 35.26.030 (Special Purpose Zones Allowed Land Uses) Of Chapter 35.25 (Special Purpose Zones), Of Article 35.2 (Zones And Allowed Land Uses), And Section 35.76.050 (Road Names - Procedures, Standards, And Signs), Of Chapter 35.76 (Road*

Naming And Address Numbering), Of Article 35.7 (Site Development Regulations), And Section 35.84.030 (Time Extensions), Of Chapter 35.84 (Post Approval Procedures), Of Chapter 35.8 (Planning Permit Procedures), To Delete The Requirement For A Minor Conditional Use Permit For Individual Sewage Disposal Systems Located In Designated Special Problem Areas, To Designate The Director Of The Planning And Development Department As The Review Authority For Road Naming And Renaming Applications And Time Extension Applications Where The Requirement For A Public Hearing Has Been Waived, And To Require That The Naming Of Roads Associated With Subdivisions Are Named Concurrently With The Approval Of The Subdivision, passed, approved and adopted by the Board of Supervisors, May 27, 2008.

County of Santa Barbara Ordinance No. 4680, Case No. 08ORD-00000-00006, *Amending Section 35-1, The Santa Barbara County Land Use And Development Code, Of Chapter 35, Zoning, Of The County Code, By Amending Section 35.21.030 (Agricultural Zones Allowable Land Uses) of Chapter 35.21 (Agricultural Zones), Section 35.22.030 (Resource Protection Zones Allowable Land Uses) of Chapter 35.22 (Resource Protection Zones), Section 35.23.030 (Residential Zones Allowable Land Uses) of Chapter 35.23 (Residential Zones), Section 35.24.030 (Commercial Zones Allowable Land Uses) of Chapter 35.24. (Commercial Zones), Section 35.24.030 (Industrial Zones Allowable Land Uses) of Chapter 35.25 (Industrial Zones), and Section 35.26.030 (Special Purpose Zones Allowable Land Uses) of Chapter 35.25 (Special Purpose Zones),, of Article 35.2 (Zones and Allowable Land Uses); and Section 35.36.050, Required Number of Spaces: Residential Uses of Chapter 35.36, Parking and Loading Standards, of Article 35.3 (Site Planning and Other Project Standards; and Section 35.42.070, Community Care Facilities, and Section 35.42.260, Temporary Use and Trailers, of Chapter 35.42., Standards for Specific Land Uses, or Article 35.4, Standards for Specific Land Uses; and Section 35.80.020, Authority for Land Use and Zoning Decisions; of Chapter 35.82.130, Overall Sign Plans, of Chapter 35.82, Permit Review and Decisions, of Article 35.8, Planning Permit Procedures; To Revise (1) The Existing Procedures for Permitting Special Care Homes and Temporary Sales Offices in New Subdivisions, and (2) the Processing of Overall Sign Plans*, passed, approved and adopted by the Board of Supervisors, July 15, 2008.

County of Santa Barbara Ordinance No. 4681, Case No. 08ORD-00000-00007, *An Ordinance Amending Section 35-2, The Santa Barbara County Montecito Land Use And Development Code, Of Chapter 35, Zoning, Of The County Code, By Amending Section 35.421.030, Agricultural Zones Allowable Land Uses, of Chapter 35.421, Agricultural Zones, and Section 35.422.030, Resource Protection Zones Allowable Land Uses, of Chapter 34.422, Resource Protection Zones, and Section 35.423.030, residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, and Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, All of Division 35.2, Montecito Zones and Allowable Land Uses; and Section 35..436.050, Required Number of Spaces: Residential Uses, of Chapter 35.436, Parking and Loading Standards, of Division 35.3 Montecito Site Planning and Other Project Standards; and Section 35.442.070, community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, of Division 35.4, Montecito Standards for Specific Land Uses; and Section 35.472.130, Overall Sign Plans, of*

Chapter 35.472, Permit Review and Decisions, of Division 35.2, Montecito Planning Permit Procedures, to Revise the Existing Procedures for Processing Overall Sign Plans and Permitting Special Care Homes, passed, approved and adopted by the Board of Supervisors, July 15, 2008.

County of Santa Barbara Resolution No. 07-386, *In the Matter of Submitting to the California Coastal Commission an Amendment to the Santa Barbara County Local Coastal Program that Amends the County Zoning Map within the Montecito Community Plan Area, Amends Section 35-1 of the Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, Portions of Which Pertain to the Coastal Zone, and Amends Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, Portions of Which Pertain to the Coastal Zone* passed, approved and adopted by the Board of Supervisors, November 27, 2007.

County of Santa Barbara Resolution No. 08-414, *In the Matter of Submitting to the Coastal Commission Amendments to the Text and Maps of the Santa Barbara County Local Coastal Program*, relevant to Ordinances 4672, 4673, 4680, and 4681 identified above, passed, approved and adopted by the Board of Supervisors, December 9, 2008.

Santa Barbara County, Land Use and Development Code. Published May 2008 with August 2008 Replacement Pages.

Santa Barbara County, Montecito Land Use and Development Code. Published June 2008 with August 2008 Replacement Pages.

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

IN THE MATTER OF SUBMITTING TO THE CALIFORNIA COASTAL COMMISSION AN AMENDMENT TO THE SANTA BARBARA COUNTY LOCAL COASTAL PROGRAM THAT AMENDS THE COUNTY ZONING MAP WITHIN THE MONTECITO COMMUNITY PLAN AREA, AMENDS SECTION 35-1 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, PORTIONS OF WHICH PERTAIN TO THE COASTAL ZONE, AND AMENDS SECTION 35-2 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, PORTIONS OF WHICH PERTAIN TO THE COASTAL ZONE.	)	RESOLUTION NO.: 07 - 386 CASE NO.: 07RZV-00000-00018 07ORD-00000-00003 07ORD-00000-00004

WITH REFERENCE TO THE FOLLOWING:

A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and

B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and

C. On December 15, 1992, by Resolution 92-699, the Board of Supervisors of the County of Santa Barbara adopted the Coastal Land Use Plan Map for the Montecito Community Plan area; and

D. On December 15, 1992, by Ordinance No. 4083, the Board of Supervisors of the County of Santa Barbara adopted the Coastal Zoning Map for the Montecito Community Plan area; and

E. On October 17, 2006, by Ordinance 4625, the Board of Supervisors adopted Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, portions of which pertain to the Coastal Zone; and

F. On October 17, 2006, also by Ordinance 4625, the Board of Supervisors adopted Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, which pertains to the non-Coastal Zone ar Community Plan area; and

EXHIBIT 1
STB-MAJ-1-09-A and -B
County Resolutions

G. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County, has amended the Local Coastal Program by adopting:

1. An Ordinance (Case No. 07RZN-00000-00018), attached as Exhibit 1, amending the County Zoning Map within the Montecito Community Plan Area to change the zoning of Assessor's Parcel Numbers 009-230-025 and 009-230-025-026 from Retail Commercial (C-2) to Neighborhood Commercial (CN); and

2. An Ordinance (Case No. 07ORD-00000-00003 & 07ORD-00000-00004) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, by removing those regulations that pertain to the Coastal Zone area within the Montecito Community Plan area, and amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to include those regulations that pertain to the Coastal Zone area within the Montecito Community Plan area.

H. Public officials and agencies, civic organizations, and citizens have been consulted and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendments in a duly noticed public hearing pursuant to Section 65353 of the Government Code.

I. The County Planning Commission and the Montecito Planning Commission, after holding a duly noticed public hearing on the above described items, have endorsed and submitted this recommended amendments to the Board of Supervisors pursuant to Section 65354 of the Government Code.

J. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.

K. The proposed amendments to the County's certified Local Coastal Program are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.

L. The Board of Supervisors now wishes to submit these amendments, except for those portions of Section 35-1, the Santa Barbara County Land Use and Development Code, and Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, that are not applicable within the Coastal Zone as shown in Exhibit 3, to the California Coastal Commission as an amendment to the County Local Coastal Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Santa Barbara County Local Coastal Program.

3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.

4. The Board of Supervisors submits these amendments to the California Coastal Commission for review and certification.

5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of November, 2007, by the following vote::

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAIN: None

ABSENT: None

Brooks Firestone

BROOKS FIRESTONE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By
Deputy County Counsel

EXHIBITS:

1. Rezone Ordinance (Case No. 07RZN-00000-00018)
2. County and Montecito Land Use and Development Code Amendment Ordinance (Case No.: 07ORD-00000-00003 and 07ORD-00000-00004)
3. Portions of Section 35-1 and 35-2 of the Santa Barbara County Code not submitted for certification (Case No.: 07ORD-00000-00003 and 07ORD-00000-00004)

EXHIBIT 1

Rezone Ordinance Case No. 07RZN-00000-00018

ORDINANCE NO. 4659

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE MONTECITO COMMUNITY PLAN AREA BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBERS 009-230-025 AND 009-230-026 FROM RETAIL COMMERCIAL (C-2) TO NEIGHBORHOOD COMMERCIAL (CN).

Case No. 07ORD-0000-00018

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

SECTION 1:

The County Zoning Map within the Montecito Community Plan area shall be amended by changing the zoning on Assessor's Parcel Numbers 009-230-025 and 009-230-025-026 from Retail Commercial (C-2) to Neighborhood Commercial (CN) as shown on Exhibit A.

SECTION 2:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of November, 2007, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

Brooks Firestone

BROOKS FIRESTONE, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

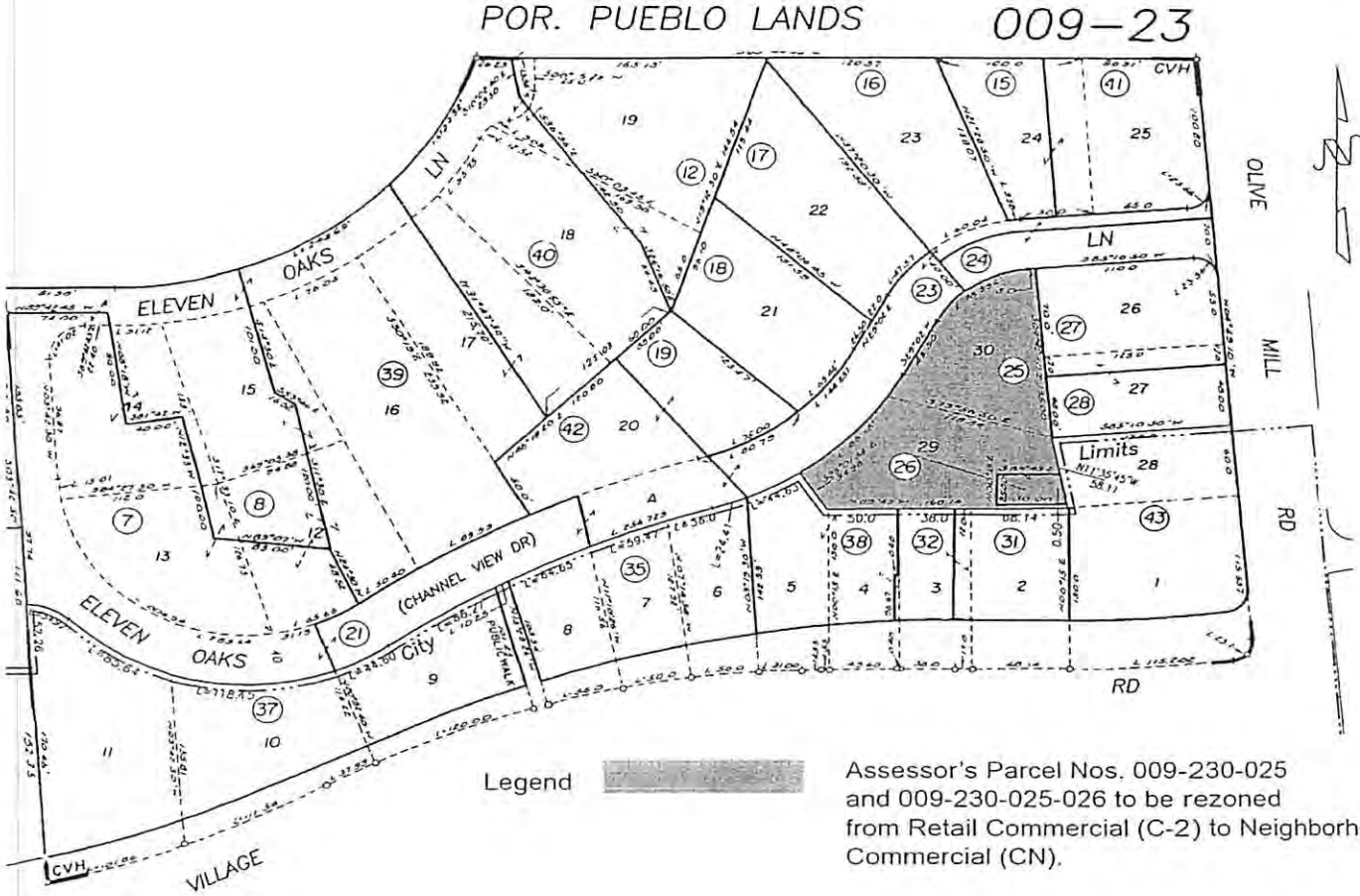
By
Deputy County Counsel

Attachment: Exhibit A

EXHIBIT A

SECTION 35-`2 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE
SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE
ZONING MAP AMENDMENT

(Case No.: 07RZN-00000-00018)



Assessor's Parcel Nos. 009-230-025 and 009-230-025-026 to be rezoned from Retail Commercial (C-2) to Neighborhood Commercial (CN).

EXHIBIT 2

County and Montecito Land Use and Development Code Amendment Ordinance

Case No.: 07ORD-00000-00003 and 07ORD-00000-00004

ORDINANCE NO. 4660

AN ORDINANCE AMENDING SECTION 35-1 OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, AND SECTION 35-2 OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE.

Case Nos. 07ORD-0000-00003 & 07ORD-0000-00004

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

SECTION 1:

Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, consisting of Article 35.1, Development Code Applicability, Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, Article 35.6, Resource Management, Article 35.7, Site Development Regulations, Article 35.8, Planning Permit Procedures, Article 35.9, Reserved, Article 35.10, Land Use and Development Code Administration, Article 35.11, Glossary, Appendix B, Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative, Appendix C, County Guidelines on Repair and Maintenance and Utility Connections to Permitted Development, Appendix D, Development Standards for Residential Second Units on Lots Less than Two Acres in Size Served by Onsite Sewage Disposal Systems, and Appendix G, Guidelines for Telecommunication Sites in Rural and Inner-Rural Areas, are hereby amended as shown on Exhibit 1, attached hereto.

SECTION 2:

Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, consisting of Division 35.1, Montecito Development Code Applicability, Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.5, Montecito Resource Management, Division 35.6, Montecito Site Development Regulations, Division 35.7, Montecito Planning Permit Procedures, Division 35.8, Reserved, Division 35.9, Montecito Land Use and Development Code Administration, Division 35.10, Glossary, Appendix B, Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative, Appendix C, County Guidelines for Repair and Maintenance and Utility Connections to Permitted Development, Appendix D, Development Standards for Residential Second Units on Lots Less than Two Acres in Size Served by Onsite Sewage Disposal Systems, Appendix E, Guidelines for Minor Changes to Coastal Development and Land Use Permits, Appendix F, Guidelines for Telecommunication Sites in Rural and Inner-Rural Areas, and Appendix G, Substantial Conformity Guidelines, are hereby amended as shown on Exhibit 2, attached hereto.

SECTION 3:

For Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, as it applies within the Coastal Zone of Santa Barbara County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, a summary of this ordinance shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 4:

For Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code as it applies outside of the Coastal Zone of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days, a summary of this ordinance shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 5:

For Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, as it applies within the Coastal Zone of Santa Barbara County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, a summary of this ordinance shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 6:

For Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, this ordinance shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days, a summary of this ordinance shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of November, 2007, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

BROOKS FIRESTONE, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

EXHIBIT 1

SECTION 35-`1 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE
SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE

(Case No.: 07ORD-00000-00003)

EXHIBIT 2

SECTION 35-`2 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE
SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE

(Case No.: 07ORD-00000-00004)

EXHIBIT 3

A. Section 35-1, the Santa Barbara County Land Use and Development Code

The zoning regulations contained within Section 35-1, the Santa Barbara County Land Use and Development Code are applicable to the Coastal Zone with the following exceptions:

1. Any Chapter, Section or Subsection within the County Land Use and Development Code that restricts the application of the regulation to the Inland area.

2. The following zones and overlay zones:

   General Commercial (C-3) zone
   General Industry (M-2) zone
   Growth Management Ordinance (GMO) overlay zone
   Light Industry (M-1) zone
   Los Alamos Community Plan overlay zone (Section 35.28.210.D)
   Mixed Use (MU) zone
   Mobile Home Subdivision (MHS) zone
   Mountainous - Goleta (MT-GOL) zone
   Neighborhood Commercial (CN) zone
   Old Town - Residential (OT-R) zone
   Old Town - Residential/Light Commercial (OT-R/LC) zone
   Old Town - Residential/General Commercial (OT-R/GC) zone
   Orcutt Community Plan area (Section 35.28.210.E)
   Pedestrian Area - Old Town Orcutt (PA-OTO) overlay zone
   Residential Ranchette (RR) zone
   Riparian Corridor - Goleta (RP-GOL) overlay zone
   Service Commercial (CS) zone
   Shopping Center (SC) zone
   Small Lot Planned Development (SLP) zone

3. Chapter 35.38 Sign Standards

4. Chapter 35.76 Road Naming and Address Numbering

B. Section 35-2, the Santa Barbara County Montecito Land Use and Development Code

The zoning regulations contained within Section 35-2, the Santa Barbara County Montecito Land Use and Development Code are applicable to the Coastal Zone with the following exceptions:

1. Any Chapter, Section or Subsection within the Montecito Land Use and Development Code that restricts the application of the regulation to the Inland area.

2. The following zones and overlay zones:

   Resource Protection (RMZ) zone

Montecito Hillside (H-MON) overlay zone

3. Chapter 35.438 Sign Standards

4. Chapter 35.460 Road Naming and Address Numbering

ATTACHMENT A: RESOLUTION

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

IN THE MATTER OF SUBMITTING TO THE COASTAL COMMISSION AMENDMENTS TO THE TEXT AND MAPS OF THE SANTA BARBARA COUNTY LOCAL COASTAL PROGRAM	)	RESOLUTION NO.: 08- 414 CASE NOS.: 08ORD-00000-00004 08ORD-00000-00005 08ORD-00000-00006 08ORD-00000-00007 08ORD-00000-00008 08ORD-00000-00009 08ORD-00000-00015 03RZN-00000-00005 03GPA-00000-00006

WITH REFERENCE TO THE FOLLOWING:

A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and

B. On July 18, 1982, by Ordinance No. 3382, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 (Zoning) of the Santa Barbara County Code; and

C. On October 17, 2006, by Ordinance No. 4625, the Board of Supervisors of the County of Santa Barbara replaced the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 (Zoning) of the Santa Barbara County Code, with the County Land Use and Development Code, Section 35-1 of Chapter 35 (Zoning) of the Santa Barbara County Code; and

D. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara amended the County Land Use and Development Code, Section 35-1 of Chapter 35 (Zoning) of the Santa Barbara County Code, to remove the zoning regulations specific to the Montecito Community Plan area within Santa Barbara County, and amended the Montecito Land Use and Development Code, Section 35-2 of Chapter 35 (Zoning) of the Santa Barbara County Code, to add the Coastal Zone zoning regulations; and

E. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below:

1. **Ordinance No. 4672 Road Naming and Time Extension, attached as Exhibit A:**

   Ordinance No. 4672 amends Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Division 35.6 (Montecito Site Development Regulations), and Division 35.7 (Montecito Planning Permit Procedures) to revise the permitting process for road naming and time extensions of certain previously approved discretionary projects.

2. **Ordinance No. 4673 Road Naming, Septic Systems and Time Extensions, attached as Exhibit B:**

   Ordinance No. 4673 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Article 35.2 (Zones and Allowable Land Uses), Article 35.7 (Site Development Regulations), and Article 35.8 (Planning Permit Procedures) to revise the permitting process for road naming, septic systems in designated Special Problems Areas, and time extensions of certain previously approved discretionary projects.

3. **Ordinance No. 4680 Overall Sign Plans, Special Care Homes, and Temporary Sales Offices, attached as Exhibit C:**

   Ordinance No. 4680 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Article 35.2 (Zones and Allowable Land Uses), Article 35.3 (Site Planning and Other Project Standards), Article 35.4 (Standards for Specific Land Uses), and Article 35.8 (Planning Permit Procedures) to revise the permitting process for overall sign plans, Special Care Homes, and temporary sales offices in new subdivisions.

4. **Ordinance No. 4681 Overall Sign Plans, Special Care Homes, and Temporary Sales Offices, attached as Exhibit D:**

   Ordinance No. 4680 amends Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Division 35.2 (Montecito Zones and Allowable Land Uses), Division 35.3 (Montecito Site Planning and Other Project Standards), Division 35.4 (Montecito Standards for Specific Land Uses), and Division 35.7 (Montecito Planning Permit Procedures) to revise the permitting process for overall sign plans and Special Care Homes.

5. **Ordinance No. 4686 Transfer of Development Rights Program, attached as Exhibit E:**

   Ordinance No. 4686 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the unincorporated areas of the South Coast located outside of the Montecito Community Plan area;

6. **Ordinance No. 4687 Transfer of Development Rights Program, attached as Exhibit F:**

   Ordinance No. 4687 amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the Montecito Community Plan area;

7. **Ordinance No. 4692 , attached as Exhibit G:**

   Ordinance No. 4692 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Article 35.1 (Development Code Applicability), Article 35.2 (Zones and Allowable Land Uses), Article 35.3 (Site Planning and Other Project Standards), Article 35.4 (Standards for Specific Land Uses), and Article 35.10 (Land Use and Development Code Administration) to add a new zone Naples Townsite and include development standards and processing requirements for that zone.

8. **Ordinance No. 4693 , attached as Exhibit H:**

   Ordinance No. 4693 amends the County Zoning Map by changing the zone applied to a portion of the Naples Townsite area and portions adjacent properties from AG-II-100 and Unlimited Agriculture (U) to NTS.

9. **Resolution No. 08-363, attached as Exhibit I:**

   Resolution No. 08-363 amends the Coastal Land Use Plan by adding Naples Townsite policies to Section 3.2 (Development), revising Figure 4-9 to incorporate the Naples Townsite designation, adding text regarding the Naples Townsite to the end of Appendix B (Land Use Definitions, amending the Gaviota Coast Rural Region Map of the Coastal Land Use Plan to change the land use designation from A-II-100 to Naples Townsite (NTS) for portions of the Naples Townsite area and portions of adjacent properties, and amending the text and map of the Land Use and Development Code to create a new Naples Townsite (NTS) zone with boundaries to coincide with the NTS land use designation.

F. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County and Montecito Planning Commissions on said amendments in duly noticed public hearings in compliance with Section 65353 of the Government Code, and the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with Section 65354 of the Government Code.

G. This Board of Supervisors has held duly noticed public hearings in compliance with Sections 65355 and 65856 of the Government Code on the amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.

H. These amendments to the Local Coastal Program are consistent with the provisions of the California Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.

I. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Coastal Land Use Plan, Sections 35-1 and 35-2, the County and Montecito Land Use and Development Codes, and the County Zoning Map.
3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in compliance with the California Coastal Act of 1976.
4. The Board of Supervisors submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chair and the Clerk of the Board of Supervisor are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of December, 2008, by the following vote:

AYES: Supervisor Carbajal, Supervisor Firestone, Supervisor Gray, Supervisor Centeno and Supervisor Wolf (a-d)

NOES: Supervisor Wolf (e-i)

ABSTAINED: None

ABSENT: None

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ORDINANCE NO. 4659

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE MONTECITO COMMUNITY PLAN AREA BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBERS 009-230-025 AND 009-230-026 FROM RETAIL COMMERCIAL (C-2) TO NEIGHBORHOOD COMMERCIAL (CN).

Case No. 07ORD-0000-00018

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

SECTION 1:

The County Zoning Map within the Montecito Community Plan area shall be amended by changing the zoning on Assessor's Parcel Numbers 009-230-025 and 009-230-025-026 from Retail Commercial (C-2) to Neighborhood Commercial (CN) as shown on Exhibit A.

SECTION 2:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of November, 2007, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

Brooks Firestone

BROOKS FIRESTONE, Chair
Board of Supervisors
County of Santa Barbara

EXHIBIT 2
STB-MAJ-1-09-A and -B
Ordinances

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By
Deputy County Counsel

Attachment: Exhibit A

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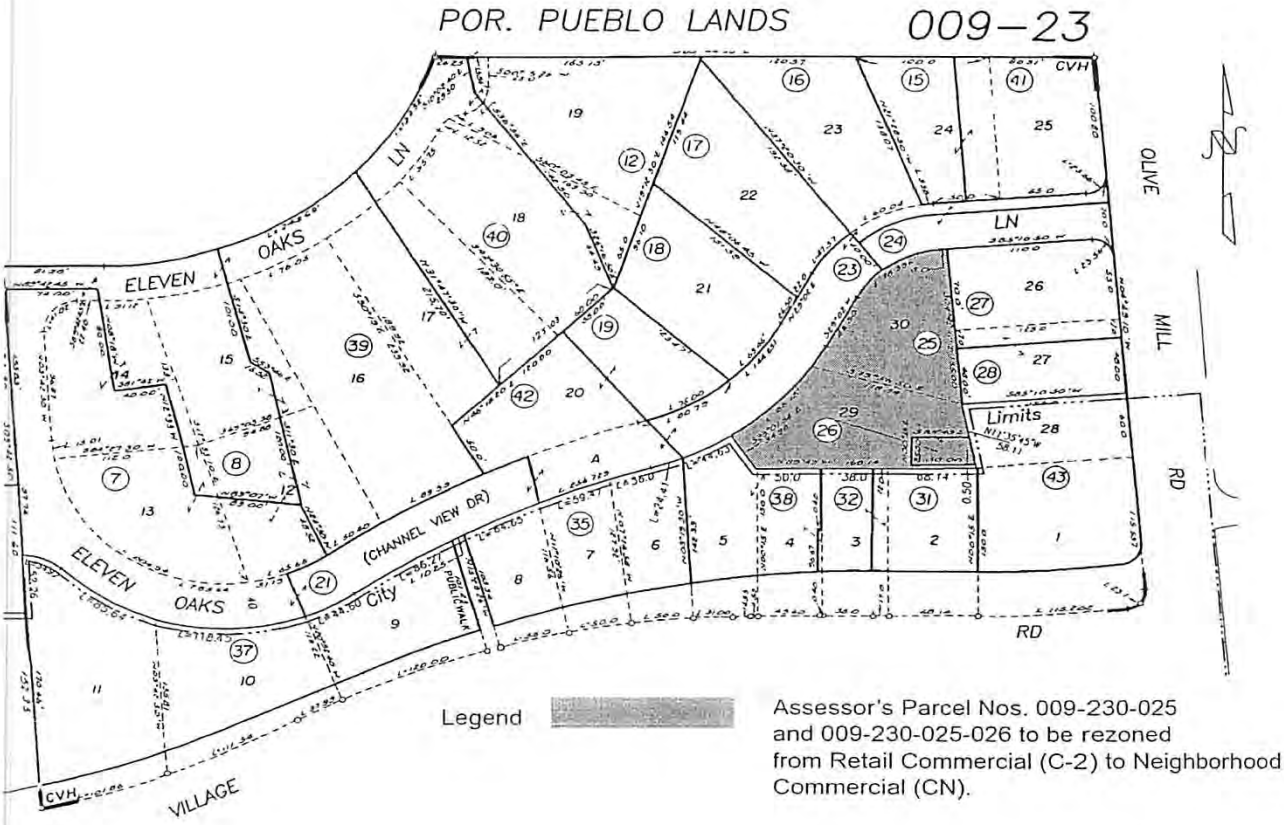
EXHIBIT A

SECTION 35-`2 OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE
SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE
ZONING MAP AMENDMENT

(Case No.: 07RZN-00000-00018)



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ATTACHMENT C: ORDINANCE

ORDINANCE NO. 4672

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.460.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.460 (ROAD NAMING AND ADDRESS NUMBERING), OF DIVISION 35.6 (MONTECITO SITE DEVELOPMENT REGULATIONS), AND SECTION 35.474.030 (TIME EXTENSIONS), OF CHAPTER 35.474 (POST APPROVAL PROCEDURES), OF DIVISION 35.7 (MONTECITO PLANNING PERMIT PROCEDURES), TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00004

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

SECTION 1:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.460.050.B, Naming or renaming an existing road, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to read as follows:

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) 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.

SECTION 2:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.460.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

~~C. **Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

SECTION 3:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.460.050.D, Naming a road created by a subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.C and to read as follows:

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).

SECTION 4:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County

Code, is amended to amend Subsection 35.460.050.E, Road name selection, and Subsection 35.460.050.F, Road name signs, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.D and Subsection 35.460.050.E, respectively

SECTION 5:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.460.050.G, Fees, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

~~G. Fees. A Road Name Application submitted by a private party shall include the non-refundable fee specified by the Board Fee Resolution.~~

SECTION 6:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.474.030.D, Processing, of Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, to read as follows:

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, 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 Subsection 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 35.472.180.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. 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.

SECTION 7:

Except as amended by this Ordinance, Division 35.6 and Division 35.7, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

Within the Coastal Zone portion of Santa Barbara County, SECTION 6 of this ordinance and any portion of SECTION 6 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 9:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of May, 2008, by the following vote:

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of April, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray
NOES: None
ABSTAINED: None
ABSENT: Supervisor Centeno

Chair, Board of Supervisors - SALUD CARBAJAL
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

DANIEL J. WALLACE
County Counsel

By
Deputy County Counsel

ATTACHMENT D: ORDINANCE

ORDINANCE NO. 4673

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES), AND SECTION 35.76.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.76 (ROAD NAMING AND ADDRESS NUMBERING), OF ARTICLE 35.7 (SITE DEVELOPMENT REGULATIONS), AND SECTION 35.84.030 (TIME EXTENSIONS), OF CHAPTER 35.84 (POST APPROVAL PROCEDURES), OF CHAPTER 35.8 (PLANNING PERMIT PROCEDURES), TO DELETE THE REQUIREMENT FOR A MINOR CONDITIONAL USE PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS LOCATED IN DESIGNATED SPECIAL PROBLEM AREAS, TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00005

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to, in the Water Supply and Wastewater Facilities section of Table 2-1, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to, in the Water Supply and Wastewater Facilities section of Table 2-4, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual",

delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7, Table 2-8, and Table 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-7, 2-8, and 2-9, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14, Table 2-15, and Table 2-16 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-14, 2-15, and 2-16, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to in the Water Supply and Wastewater Facilities section of Table 2-20, delete "Wastewater treatment system, individual, Special Problem Area (5)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (5) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-22 and Table 23 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-22 and 2-23, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage

disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 7:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.B, Naming or renaming an existing road, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to read as follows:

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, 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 35.80 (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 Zoning Administrator.

3. **Public hearing.**

   a. **Public hearing.** The Zoning Administrator 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 35.106 (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 35.106 (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 35.106 (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 35.76.050.B.3.c.(1) 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 Commission's hearing agendas.

d. **Action of review authority.**

(1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (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 Chapter 35.102 (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.

SECTION 8:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

~~C. **Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

SECTION 9:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.D, Naming a road created by a subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.C and to read as follows:

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 35.80 (Permit Application Filing and Processing) and shall be filed in conjunction with the application for the tentative map.

(3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection ~~E~~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 review authority may be appealed in compliance with Chapter 35.102 (Appeals).

SECTION 10:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.E, Road name selection, and Subsection 35.76.050.F, Road name signs, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.D and Subsection 35.76.050.E, respectively

SECTION 11:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.G, Fees, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

~~G. Fees. A Road Name Application submitted by a private party shall include the non-refundable fee specified by the Board Fee Resolution.~~

SECTION 12:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.84.030.D, Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

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 35.82.050.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 35.102 (Appeals).

(2) **Coastal Development Permit approved by the Commission.** The Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.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 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 35.106 (Noticing and Public Hearings).

(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(3) **Coastal Development Permit approved by the Zoning Administrator.** The Zoning Administrator may extend the approval of a Coastal Development Permit for appealable development approved by the Zoning Administrator one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.82.050.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 Zoning Administrator 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 35.106 (Noticing and Public Hearings).

(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.050.E (Findings required for approval) can still be made.

2. **Conditional Use Permits and Minor Conditional Use Permits.**

a. **Extension of permit approval.** The review authority that approved the Conditional Use Permit or Minor Conditional Use Permit may extend the approval of a Conditional Use Permit or Minor 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 review authority 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 35.106 (Noticing and Public Hearings).

(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.

b. **Discontinuance of use.** The review authority may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:

(1) The review authority 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 35.106 (Noticing and Public Hearings).

(3) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 review authority 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 35.106 (Noticing and Public Hearings).

(4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.080.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 Subsection 35.82.110.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 35.82.180.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 35.106 (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 35.84.030.D.7.a. 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.

SECTION 13:

Except as amended by this Ordinance, Articles 35.2, 35.7 and 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 14:

Within the Coastal Zone portion of Santa Barbara County, SECTIONS 1,2 3, 4, 5, 6, and 12 of this ordinance and any portion of SECTIONS 1,2 3, 4, 5, 6, and 12 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 15:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 27th day of May, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray
NOES: None
ABSTAINED: None
ABSENT: Supervisor Centeno

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DANIEL J. WALLACE
County Counsel

By _____
Deputy County Counsel

ATTACHMENT C: ORDINANCE

(Revised per Board Action on July 15, 2008)

ORDINANCE NO. 4680

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES); AND SECTION 35.36.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.36, PARKING AND LOADING STANDARDS, OF ARTICLE 35.3 SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.42.070, COMMUNITY CARE FACILITIES, AND SECTION 35.42.260, TEMPORARY USES AND TRAILERS, OF CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, OF ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.80.020, AUTHORITY FOR LAND USE AND ZONING DECISIONS; OF CHAPTER 35.80, PERMIT APPLICATION FILING AND PROCESSING; AND SECTION 35.82.130, OVERALL SIGN PLANS, OF CHAPTER 35.82, PERMIT REVIEW AND DECISIONS, OF ARTICLE 35.8, PLANNING PERMIT PROCEDURES; TO REVISE (1) THE EXISTING PROCEDURES FOR PERMITTING SPECIAL CARE HOMES AND TEMPORARY SALES OFFICES IN NEW SUBDIVISIONS, AND (2) THE PROCESSING OF OVERALL SIGN PLANS.

Case No. 08ORD-00000-00006

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

C. **Development Plan approval required.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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.

1. **Exemptions from floor area calculations.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan.

   a. The structure qualifies as winery structural development.

   b. If the structure is existing, than it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, by, in the Residential Uses section of Table 2-1, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, to read as follows:

C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:

1. **MT-GOL, MT-TORO, MT-TORO (CZ), and RMZ (CZ) zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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.

2. **RMZ Inland area.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Management Zones) of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, by, in the Residential Uses section of Table 2-4, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:

1. **RR, R-1/E-1. EX-1 and R-2 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, 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.

2. **DR zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development within the DR zone, including grading, except that the following do not require Development Plan approval.

   a. **Coastal Zone and Inland area.** Within the Coastal Zone and Inland area, one one-family dwelling and residential accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).

   b. **Inland area.** Within the Inland area, orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.

3. **MHP, MHS and SLP zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the MHP, MHS, and SLP zones.

4. **PRD zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading, within the PRD zone, except that orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto do not require a Development Plan; but shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.050 (Residential Zones Development Standards).

5. **SR-M and SR-H zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the SR-M and SR-H zones, except that the development of a one-family dwelling or a duplex does not require a Development Plan.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-7, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-8, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section

35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-9, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

C. **Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:

1. **CN and C-1 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area.

2. **C-2 and C-3 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or more.

3. **C-S, C-V, SC, and PI zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading.

4. **CH zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading, except that in the Coastal Zone a Final Development Plan is not required for the following, provided that all other requirements of the CH zone are complied with:

   a. Additions to uses or structures on property developed as of February 1, 1963; and

   b. Development on a legal lot of less than 20,000 square feet of net land area created on or before February 1, 1963.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-14, amending "Special care home, 14 or fewer clients" to read "Special care home, 6 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-15 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending "Special care home, 14 or fewer clients" to read

"Special care home, 6 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 12:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending "Special care home, 14 or fewer clients" to read "Special care home" and deleting "Special care home, 15 or more clients."

SECTION 13:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, by, in the Residential Uses section of Table 2-15, amending "Special care home, no client restrictions" to read "Special care home."

SECTION 14:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

C. **Development Plan approval required.** Development Plan approval compliance with Section 35.82.080 (Development Plans) is required as follows:

1. **MU, PU, and REC zones.** Within the MU, PU, and REC zones, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.

2. **OT zones.**

   a. **OT-R/LC and OT-GC.** Final Development Plan approval is in compliance with Section 35.82.080 (Development Plans) required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.

   b. **OT-R.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.

   c. **Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone), then the development plan requirements of Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone) shall apply instead of Subsections 2.a. and 2.b., above.

3. **TC zone.** Within the TC zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including 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.

SECTION 15:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-22 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, by, in the Residential Uses section of Table 2-22, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home," and deleting existing Note (6) "If zone designation is OT-LC or OT-GC, a Special Care Home may be allowed with a MCUP," and renumber the remaining existing Notes accordingly.

SECTION 16:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-23 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, by, in the Residential Uses section of Table 2-23, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home."

SECTION 17:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 3-4, Residential Parking Standards, of Section 35.36.050, Required Number of Spaces: Residential Uses, to add a Note (5) to "Retirement and special care homes" and in the Notes section of Table 3-4 that reads "Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling."

SECTION 18:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.42.090.D, Special care homes, of Section 35.42.090, Community Care Facilities, of Chapter 35. 42, Standards for Specific Land Uses, to read as follows:

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 Article 35.2 (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 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

3. **Special care homes serving seven or more clients.**

   a. **Minor Conditional Use Permit required.** A special care home serving seven or more clients shall be required to obtain a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor 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 35.36 (Parking and Loading Standards).

SECTION 19:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-10 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-10 Allowed Temporary Uses and Permit Requirements for Agricultural Zones	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				

Table 4-12

Allowed Temporary Use and Permit Requirements for Resource Protection Zones

LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulation
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	
TEMPORARY EVENTS						
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
TEMPORARY DWELLINGS						
During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14
TEMPORARY OFFICE/STORAGE						
Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

MT-GOL	Mountainous Area - Goleta	RMZ	Resource Management
MT-TORO	Mountainous Area - Toro Canyon	CZ	Coastal Zone

Notes:
(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 21:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-12 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-12

Allowed Temporary Uses and Permit Requirements for Residential Zones

[illegible]

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP (2)		35.42.260.F.3
Charitable functions	S		35.42.260.F.4
Public assembly events in facilities; event consistent	E		35.42.260.F.7
Public property	E		35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP		35.42.260.F.9
Rodeos and other equestrian events	S		35.42.260.F.10
Seasonal sales lots	P		35.42.260.F.11
Spectator entertainment facilities	MCUP		35.42.260.F.12
Subdivision sales office	Coastal Zone - P	Inland area - ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P		35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)		35.42.260.G.4
Trailer (watchman during construction)	P		35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P		35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P		35.42.260.G.9
Trailer (railroad work camp)	MCUP		35.42.260.G.11
Trailer (watchman)	MCUP		35.42.260.G.14

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP		35.42.260.G.3
Trailer (air quality monitoring station)	MCUP		35.42.260.G.7
Trailer (agricultural office)	—		
Trailer (construction office, shop, storage, etc.)	S		35.42.260.G.8
Trailer (storage as accessory to dwelling)	E		35.42.260.G.12
Trailer (subdivision sales office)	Coastal Zone - P	Inland area - ZC	345.42.260.G.13

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.
(2) Use not allowed in the EX-1 and EX-1 CZ zones.
(3) Use not allowed in the PRD-CZ, SLP, MHP, MHP-CZ, and MHS zones.

SECTION 22:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-13 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 2-19

Allowed Temporary Uses and Permit Requirements for Commercial Zones

	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
		Permit required by the Planning Director				
	—	Use Not Allowed				
LAND USE (1)	CN	CL	CG	CS	CZ	Specific Use Regulations

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.5
Parking lot sale	—	—	—	S	S	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
Swap meet	—	—	—	CUP	CUP	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.4.260.F.15
Trailer (4 or less agricultural employees	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

CN	Neighborhood commercial	C2	Retail commercial
CL	Limited commercial	CZ	Coastal zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-13 – Continued Allowed Temporary Uses and Permit Requirements for Commercial Zones	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	PERMIT REQUIRED BY ZONE				
LAND USE (1)	C-3	CS	CH	CZ	Specific Use Regulations

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	35.42.260.F.2
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	35.42.260.F.5
Parking lot sale	S	—	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	P	35.42.260.F.13
Swap meet	CUP	—	—	—	35.42.260.F.14

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees	—	—	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	P	35.42.260.G.13

Key to Zone Symbols

C-3	General commercial	CH	Highway commercial
CS	Service commercial	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-13 Continued

Allowed Temporary Uses and Permit Requirements for Commercial Zones

LAND USE(1)	PERMIT REQUIREMENT BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	
TEMPORARY EVENTS						
Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	—	35.42.260.F.5
Parking lot sale	—	—	S	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	P	35.42.260.F.13
Swap meet	—	—	—	—	—	
TEMPORARY DWELLINGS						
During construction of new dwelling	P	P	—	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	—	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	—	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14
TEMPORARY OFFICE/STORAGE						
Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	—	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	P	35.42.260.G.13

Key to Zone Symbols

C-V	Visitor-serving Commercial	PI	Professional and Institutional
SC	Shopping center	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 23:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land

Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-14 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-14 Allowed Temporary Uses and Permit Requirements for the Industrial Zone	P = Permitted use, no permit required (P-prefix) ZC = Permitted use, Zoning Clearance required (ZC-prefix) S = Permitted use, Land Use Permit required (S-prefix) MCUP = Minor Conditional Use Permit required (MCUP-prefix) CUP = Conditional Use Permit required (CUP-prefix) E = Permitted use, subject to Special Use Regulations (E-prefix) — = Use not allowed							
	PERMIT REQUIREMENT							
LAND USE	M-RP	M-RP-P	M-1	M-2	M-CR	M-CR-CZ	M-CD	M-CD-CZ	Specific Use Regulations
TEMPORARY EVENTS								
Carnivals, circuses, and similar activities	P	P	P	P	P	P	P	35.42.260.F.1
Certified farmers market	MCUP	MCUP	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	P	P	35.42.260.F.13
TEMPORARY DWELLINGS								
During construction of new dwelling	—	—	—	—	—	—	—	
Trailer (4 or less agricultural employees	—	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14
TEMPORARY OFFICE/STORAGE								
Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	—	—	—	—	—	—	—	
Trailer (subdivision sales office)	ZC	P	ZC	ZC	ZC	P	P	35.42.260.G.13

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 24:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-15 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-15 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
	[illegible]				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulation
	MU	OT-R	OT-R/GC	OT-R/LC	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	—	—	35.42.260.F.1
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42..260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees	—	—	—	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	—	35.42.260.G.12

Key to Zone Symbols

MU	Mixed Use	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	OT-R/LC	Old Town - Residential/Light Commercial

Notes:
(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15 - Continued Allowed Temporary Uses and Permit Requirements for Special Purpose Zones (1)	P A T MCUP CUP S E	Allowed use Permitted use, Administrative Permit required Permitted use, Land Use or Grading Permit required Minor Conditional Use Permit required Conditional Use Permit required Permit required by Specific Use Regulations Use not Allowed					
LAND USE (1)	PERMIT REQUIREMENT BY ZONE						Specific Use Regulations
	PU	PU GZ	PU	REC GZ	TC GZ		
TEMPORARY EVENTS							
Carnivals, circuses, and similar activities	—	—	—	—	—		
Certified farmers market	—	—	—	—	—		
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3	
Charitable functions	S	S	S	S	S	35.42.260.F.4	
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7	
Public property	E	E	E	E	E	35.42.260.F.8	
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9	
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10	
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11	
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12	
Subdivision sales office	ZC	P	ZC	P	P	35.42.260.F.13	
TEMPORARY DWELLINGS							
During construction of new dwelling	—	—	—	—	—	35.42.260.F.15	
Trailer (4 or less agricultural employees	—	—	—	—	MCUP	35.42.260.G.4	
Trailer(watchman during construction)	P	P	P	P	P	35.42.260.G.15	
Trailer(dwelling after destruction of dwelling)	—	—	—	—	—		
Trailer(dwelling during construction of new dwelling)	—	—	—	—	—		
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11	
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14	
TEMPORARY OFFICE/STORAGE							
Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3	
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7	
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8	
Trailer (storage as accessory to dwelling)	E	E	—	—	—	35.42.260.G.12	
Trailer (subdivision sales office)	ZC	P	ZC	P	P	35.42.260.G.13	

Key to Zone Symbols

PU	Public Works/Utilities	TC	Transportation Corridor
REC	Recreation	GZ	Coastal Zone

Notes:
(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 25:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 13., Subdivision sales office, of Subsection F., Permit requirements and development standards for specific temporary uses, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

13. **Subdivision sales office.** Subdivision sales offices may be allowed in compliance with the following development standards:

    a. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.

    b. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within a portion of a model home, other than the garage, or unless the Commission has approved its conversion to a permanent use.

    c. During the time it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.

    d. The garage of a model home may be used as the sales office subject to the recordation of an agreement by the owner of the lot that the model home is located on prior to the issuance of the Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) to allow the use of the garage as a sales office specifying that sales office will be converted to a garage at the time of expiration of the Coastal Development Permit or the Land Use Permit or Zoning Clearance. The occupancy of the model home shall not be allowed until the sales office has been removed or a two-car garage is provided for the model home.

        (1) 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.

    e. The Coastal Development Permit or Land Use Permit or Zoning Clearance shall expire after either the initial sale of all the lots within the subdivision in which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or within one year after the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance, whichever is earlier.

    f. The Coastal Development Permit or Land Use Permit or Zoning Clearance may be extended one time by the Director for one year upon application of the subdivider for good cause shown.

    g. If the sales office is located in a separate structure including a trailer, then an agreement shall be recorded by the owner of the lot that the sales office is located on prior to the issuance of the Coastal Development Permit in compliance with Section 35.82.050 or Land Use Permit in compliance with Section 35.82.110 or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) to allow the construction or installation of the sales office specifying that sales office will be removed within 30 days after expiration of the Coastal Development Permit or Land Use Permit or Zoning Clearance or any extension thereof, or after notification by the Director if the Commission at any time finds that the sales office is unsightly or has become a public nuisance.

(1) 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.

SECTION 26:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 8-1, Review Authority, of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Coastal Development Permits(without hearing) (3)	Decision		Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal	Appeal
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (4) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150			
Reclamation and Surface Mining Permits			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors

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 35.102 (Appeals).

(2) The decision of the Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal.

(3) This includes Coastal Development Permits, where a hearing has been waived by the Director in compliance with Section 35.82.050.D.2.

(4) The Board of Architectural Review with jurisdiction in compliance with County Code Chapter 2 shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review is appealable to the Commission; the decision of the Commission is appealable to the Board.

SECTION 27:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.82.130, Overall Sign Plans, of Chapter 35.82, Permit Review and Decisions, to read as follows:

35.82.150 - 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 Zoning Administrator 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 sign.** An increase in the area limitation of under canopy signs.
4. **Wall sign.** 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 35.80 (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. Review authority.

   a. The review authority for the application for the Development Plan for the shopping center

shall be the review authority for the application for the Overall Sign Plan.

b. The review authority for an application for an Overall Sign Plan submitted in compliance with Subsection 1.a, above, shall be the Zoning Administrator

3. 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.

4. The Overall Sign Plan shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).

   a. The Board of Architectural Review shall provide a recommendation to the review authority 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 Board of Architectural Review shall make specific recommendations to the review authority on any such modification.

5. The review authority shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Zoning Administrator 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.

6. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

   a. In addition to mailed notice required in compliance with Chapter 35.106 (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.

7. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

F. Findings required for approval. If an Overall Sign Plan includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved or conditionally approved only if the review authority 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.

SECTION 28:

Except as amended by this Ordinance, Article 35.2, 35.3, 35.4, 35.6 and 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 29:

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

SECTION 30:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of July, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

DENNIS MARSHALL
County Counsel

By
Deputy County Counsel

ATTACHMENT D: ORDINANCE

ORDINANCE NO. 4681

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.421.030, AGRICULTURAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.421, AGRICULTURAL ZONES, AND SECTION 35.422,030, RESOURCE PROTECTION ZONES ALLOWABLE LAND USES, OF CHAPTER 35.422, RESOURCE PROTECTION ZONES, AND SECTION 35.423.030, RESIDENTIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.423, RESIDENTIAL ZONES, AND SECTION 35.424.030, COMMERCIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.424, COMMERCIAL ZONES, ALL OF DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; AND SECTION 35.436.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.436, PARKING AND LOADING STANDARDS, OF DIVISION 35.3 MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.442.070, COMMUNITY CARE FACILITIES, OF CHAPTER 35.442, STANDARDS FOR SPECIFIC LAND USES, OF DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.472.130, OVERALL SIGN PLANS, OF CHAPTER 35.472, PERMIT REVIEW AND DECISIONS, OF DIVISION 35.2, MONTECITO PLANNING PERMIT PROCEDURES, TO REVISE THE EXISTING PROCEDURES FOR PROCESSING OVERALL SIGN PLANS AND PERMITTING SPECIAL CARE HOMES.

Case No. 08ORD-00000-00007

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.421.030, Agricultural Zones Allowable Land Uses, of Chapter 35.421, Agricultural Zones, by, in the Residential Uses section of Table 2-1, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) of Section 35.422.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.422, Resource Protection Zones, by, in the Residential Uses section of Table 2-4, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential

Zones, by, in the Residential Uses section of Table 2-7 and Table 2-8, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, by, in the Residential Uses section of Table 2-12, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, by, in the Residential Uses section of Table 2-14, deleting "Special care home, 14 or fewer clients" and deleting "Special care home, 15 or more clients."

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 3-3, Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, to add a Note (3) to "Retirement and special care homes" and in the Notes section of Table 3-3 that reads "Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling."

SECTION 7:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.442.070.D, Special care homes, of Section 35.442.070, Community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

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 35.472.070 (Conditional Use Permits).

3. **Special care homes serving seven or more clients.**

a. **Conditional Use Permit required.** 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).

SECTION 8:

DIVISION 35.7, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.472.130.E, Processing, of Section 35.472.130, Overall Sign Plans, of Chapter 35.472, Permit Review and Decisions, to read as follows:

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).

SECTION 9:

Except as amended by this Ordinance, Division 35.2, 35.3, 35.4, and 35.7 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this

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

SECTION 11:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of July, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

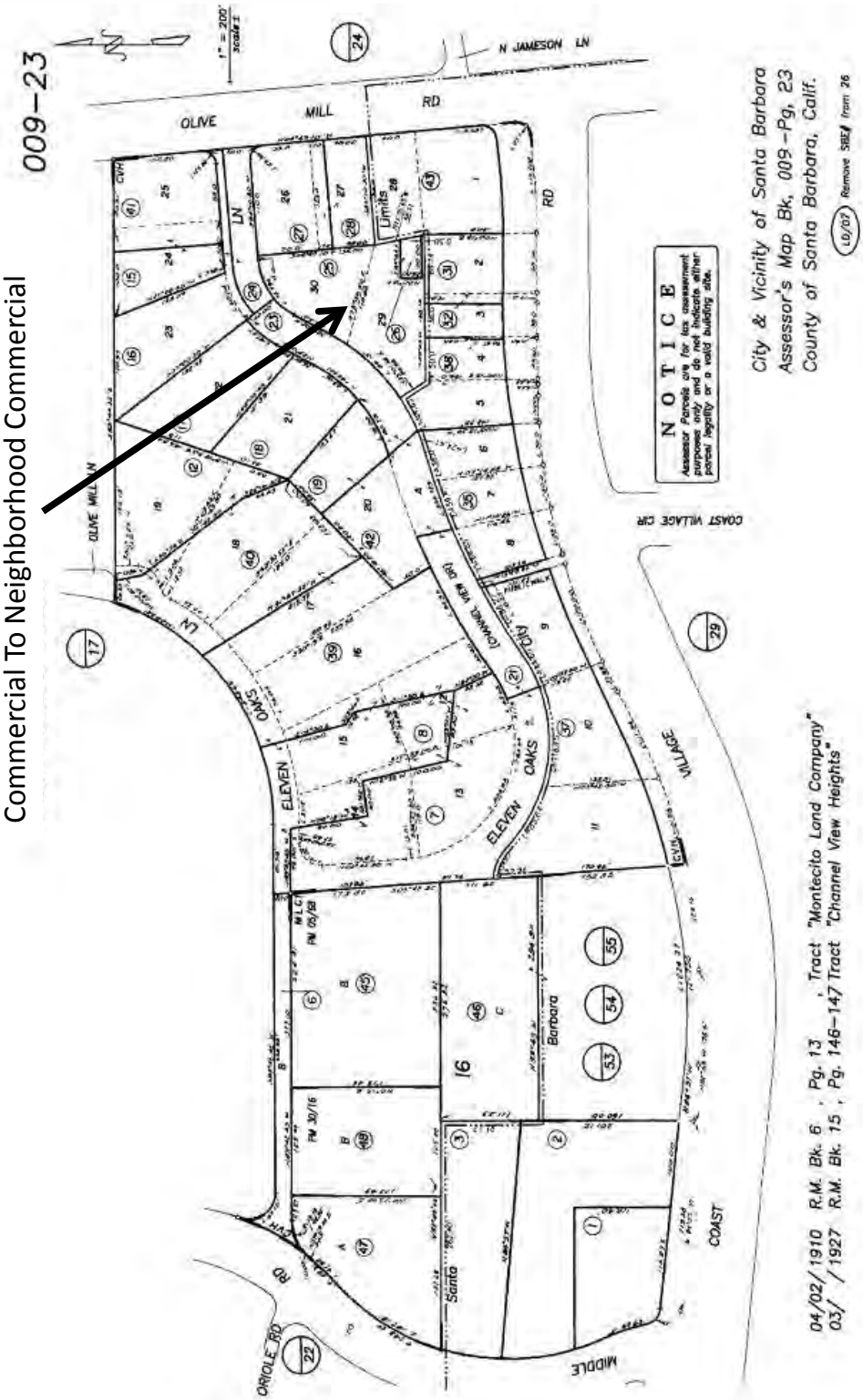
DENNIS MARSHALL
County Counsel

By
Deputy County Counsel

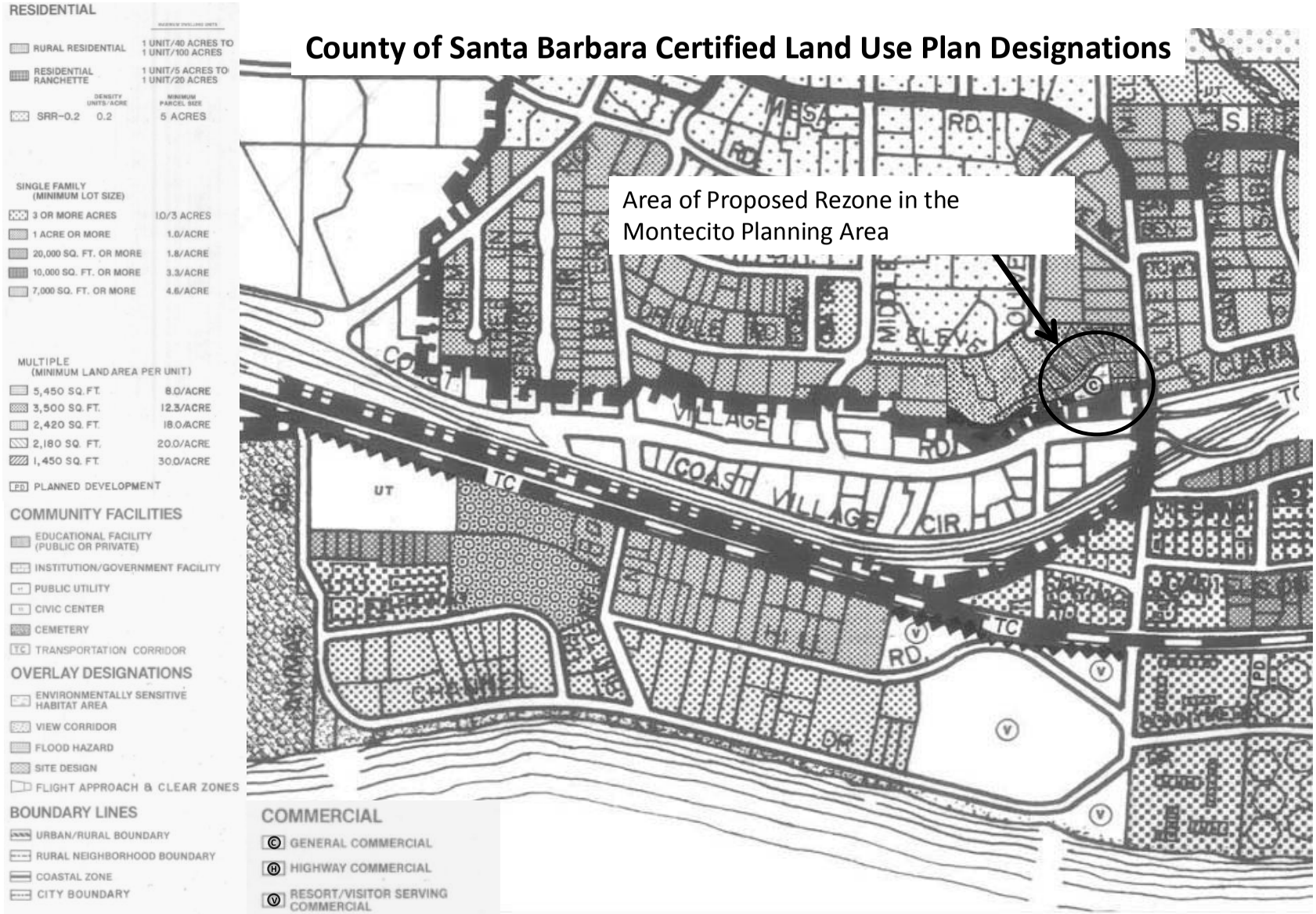
Area of Proposed Rezone in the Montecito Planning Area
Highway 101
Montecito Country Club
Santa Barbara Cemetery
Santa Elena Ln
Santa Isabel Ln
Santo Tomas Ln
Olive Mill Rd
Mill Rd
Olive Mill Ln
Mesa Rd
Middle Rd
Summit Rd
Butterfly Ln
Hermosillo Dr
Palm Tree Ln
Coast Village Rd
Coast Village Circle
El Camino Real
Elizabeth Ln
Orchid Rd
Montecito
Depot Rd
Channel Dr
Hill Rd
Spring Rd
Virginia Ln
Danielson Rd
Bonnymede Dr
Seaview Dr
Via del Mar
Plaza Pitoloka
Plaza de Sonadores
Monte Cristo Ln
Fairway Rd
Old Coast Hwy
101
225
150
154
156
158
EXHIBIT 3
STB-MAJ-1-09-A and -B
Proposed Rezone

Approx City of Santa Barbara Boundary

Assessor Parcel Numbers 009-023-025 and -026
Are Proposed To Be Rezoned from Retail
Commercial To Neighborhood Commercial



County of Santa Barbara Certified Land Use Plan Designations



County of Santa Barbara Certified Zoning Map

RESIDENTIAL

	minimum parcel size
RR RURAL RESIDENTIAL	1 unit/5 acres to 1 unit/100 acres
SINGLE FAMILY	
3-E-1	3 acres
1-E-1	1 acre
EX-1	1.5, 2.5 or 3.5 acres
20-R-1	20,000 sq. ft.
12-R-1	12,000 sq. ft.
10-R-1	10,000 sq. ft.
8-R-1	8,000 sq. ft.
7-R-1	7,000 sq. ft.
MULTIPLE	
7-R-2 (two family)	7000 sq. ft.
SR-M-8 (student residential)	7,000 sq. ft.
SR-M-18 (student residential)	7,000 sq. ft.
SR-H-20 (student residential)	7,000 sq. ft.
DR (design residential)	none
PRD (planned residential) development	20 acres
MHP MHP (mobile home park)	5 acres

COMMERCIAL

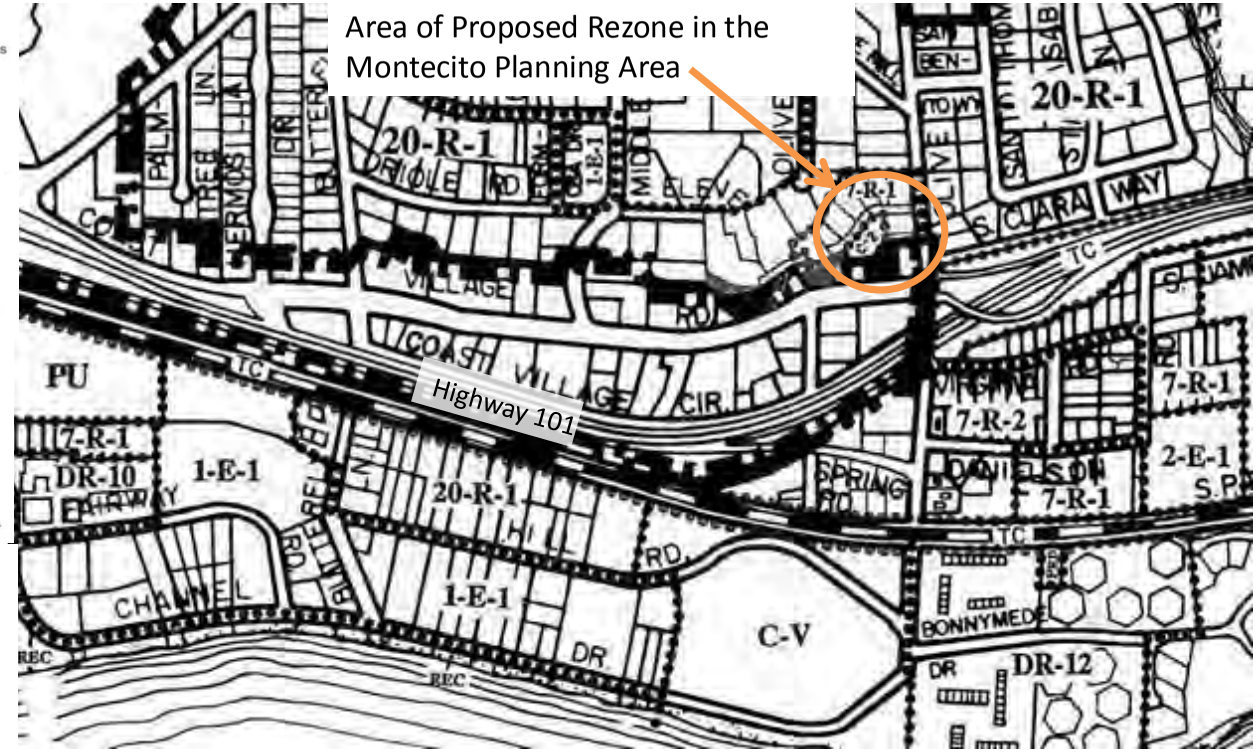
- C-2 LIGHT COMMERCIAL
- C-3 GENERAL COMMERCIAL
- CH HIGHWAY COMMERCIAL
- C-V RESORT/VISITOR SERVING COMMERCIAL
- PI OFFICE AND PROFESSIONAL

OTHER

- TC TRANSPORTATION CORRIDOR
- PU PUBLIC UTILITIES

OVERLAY DISTRICTS

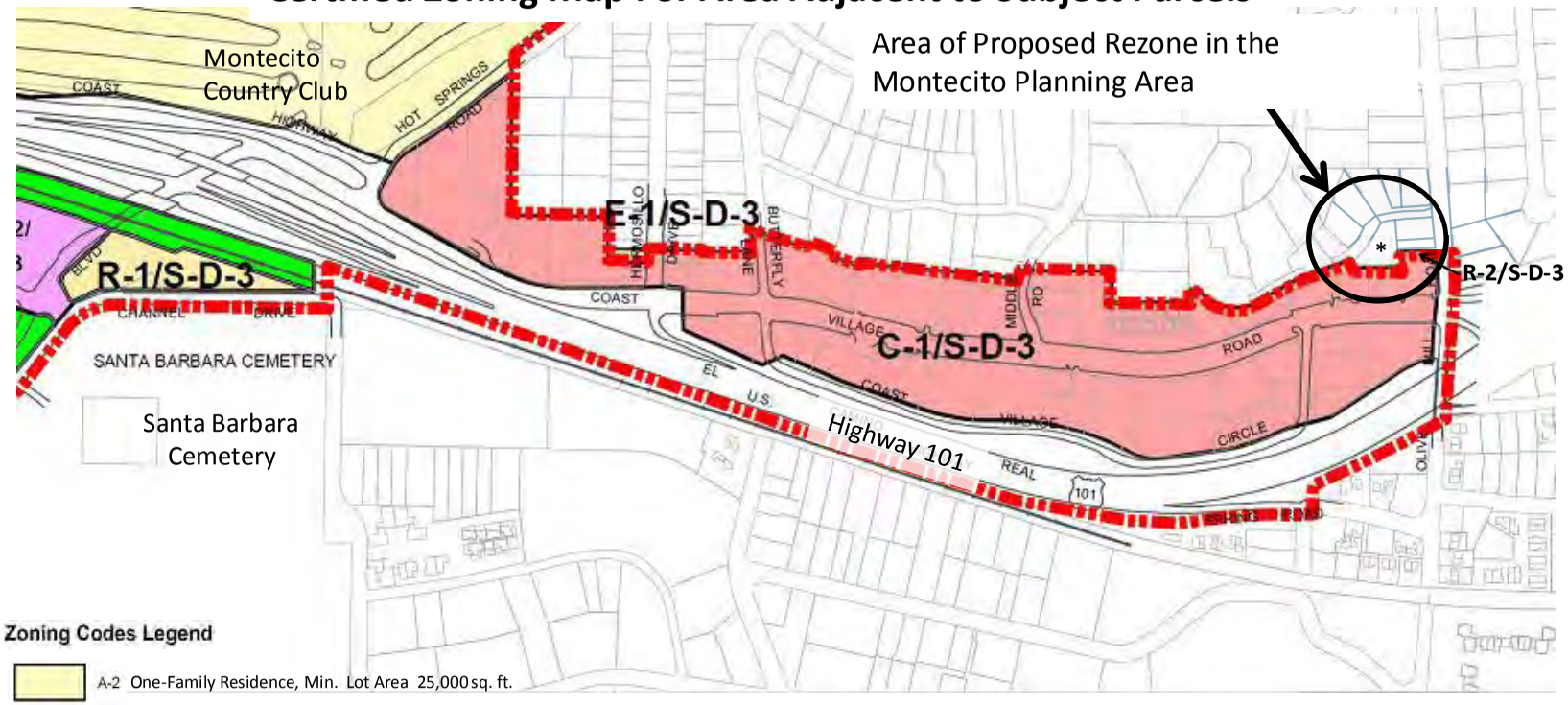
- SF SINGLE FAMILY RESTRICTED
- ESH ENVIRONMENTALLY SENSITIVE HABITAT AREA
- ARC AGRICULTURAL RESIDENTIAL CLUSTER
- VC VIEW CORRIDOR
- FA FLOOD HAZARD AREA
- SD SITE DESIGN
- D DESIGN CONTROL
- AIRPORT APPROACH & CLEAR ZONES
- RESTRICTED RESOURCES DISTRICT
- GMO GROWTH MANAGEMENT ORDINANCE



BOUNDARIES

- URBAN/RURAL
- RURAL NEIGHBORHOOD
- COASTAL ZONE
- CITY BOUNDARY

City of Santa Barbara
Certified Zoning Map For Area Adjacent to Subject Parcels



Zoning Codes Legend

- A-2 One-Family Residence, Min. Lot Area 25,000 sq. ft.
- E-1 One-Family Residence, Min. Lot Area 15,000 sq. ft.
- E-2 One-Family Residence, Min. Lot Area 10,000 sq. ft.
- R-1 One-Family Residence, Min. Lot Area 6,000 sq. ft.
- R-2 Two-Family Residence
- C-1 Limited Commercial

•APN 009-230-025 and -026 Within Santa Barbara County Are Proposed To Be Rezoned From Retail Commercial To Neighborhood Commercial