



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: January 15, 2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: John Baker (805.568.2085)
Contact Information: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Coastal Commission's certification of amendments to the Local Coastal Program regarding appeals and noticing procedures, and permit processes.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive notice of the California Coastal Commission's certification of the County's amendments to the County's Local Coastal Program (Coastal Commission Case No. MAJ-2-06-B (Noticing and Appeals Procedures)) with suggested modifications (Attachment A);
- B. Adopt a Resolution acknowledging receipt of the California Coastal Commission's certification with modifications and adopting the Local Coastal Program Amendments with the suggested modifications (Attachment B);
- C. Authorize the Chair of the Board of Supervisors to sign a letter transmitting the Resolution to the California Coastal Commission (Attachment C); and
- D. Authorize the Planning and Development Department to transmit the adopted Resolution and Board letter to the California Coastal Commission.

Summary Text:

Following adoption by the Board of Supervisors the subject amendments to the Article II Coastal Zoning Ordinance regarding appeals procedures (Case No. 05ORD-00000-00019) and noticing procedures (Case No. 05ORD-00000-00016) were submitted to the Coastal Commission on September 1, 2006 as a proposed amendment to the County's certified Local Coastal Program.

The purpose of these amendments is to implement process improvements that benefit applicants by streamlining the permitting process. The amendment to the appeals process (1) clarifies the County's

existing appeals procedures to address concerns associated with an appellant's standing to bring an appeal and (2) shifts appeals of Zoning Administrator decisions from the Board of Supervisors to the Planning Commission. The amendments to the notice procedures provide earlier mailed notice to neighbors, particularly for small projects, to alleviate some of the concerns associated with the late noticing that can occur during the review process.

The Coastal Commission considered these amendments at their November 14, 2007 hearing, and approved the amendments with modifications which are summarized below. The Coastal Commission also took this opportunity to revise the procedures regarding approving Coastal Development Permits and Land Use Permits that follow the approval of Conditional Use Permits and Development Plans, as well as clean up existing language and procedures regarding development that may be appealed to the Coastal Commission. These modifications to the Coastal Development Permit process implement amendments to the Local Coastal Program approved by your Board in May 2007 (Case Nos. 07ORD-00000-00001).

The actual text of the modifications is shown in Attachment A (Coastal Commission action letter dated November 20, 2007). In this attachment, language added by the Coastal Commission is shown as underlined, and language deleted by the Commission is struck-through.

The Planning and Development Department reviewed the modifications approved by the Coastal Commission and recommends that your Board approve the attached Resolution (Attachment B) thus agreeing to and accepting the certified modifications. The County must take action on the Commission's certification within six months from the date of the Commission's action on November 14, 2007 or the certification will expire.

After receipt of the Resolution acknowledging and accepting the Coastal Commission's modifications, the Coastal Commission's Executive Director will make a determination in writing regarding the County's compliance with the Coastal Act requirements and present this determination to the Coastal Commission at its next regularly scheduled public meeting. If a majority of the Commissioners accept the Executive Director's determination, then the amendments as modified will be fully certified and be in effect immediately. If, for some reason, a majority of the Commission members object to the Executive Director's determination, the Commission shall review the local government's action as if it were resubmitted.

Once the amendments receive final certification from the Coastal Commission, the amendments as modified will be incorporated into the Article II Coastal Zoning Ordinance.

If your Board chooses not to accept the modifications, then your Board has the following options:

- Your Board may choose to adopt amendments to the language as modified by the Coastal Commission, and re-submit these amendments for certification.
- Your Board may also reject the modifications outright without adopting any amendments to the language as modified by the Coastal Commission, and request that the Coastal Commission not certify the proposed amendment to the Local Coastal Program.

If your Board wishes to take either of these latter options, then you should not adopt the attached resolution. The Planning and Development Department will then return with appropriate materials on a subsequent agenda.

Analysis:

1. Summary of Modifications Regarding Appeals. The modifications approved by the Coastal Commission primarily make minor corrections and clarify the language submitted by the County in order to ensure that the County's zoning regulations are consistent with and implement the Coastal Act, including:

- Revising the definition of Appealable Development in **Section 35-58 (Definitions)** to be consistent with the Coastal Act.
- Adding language to **Section 35-142.9 (Appeals)** specifying that inconsistency with the Coastal Act coastal access policies may also be used as a basis for appealing the approval of a residential second unit.
- Revising the language of **Section 35-182.2 (General Appeal Procedures)** regarding which local decisions on Coastal Development Permits may be appealed to the Coastal Commission.
- Revising the language of **Section 35-182.2.D (Acceptance of Appeal)** to clarify when the County may decline to process an appeal of a local decision.
- Correcting the language of **Section 35-182.3 (Appeals to the Zoning Administrator)** to include decisions by the Director on Coastal Development Permits for temporary uses.
- Correcting the language of Subsection A.2 of **Section 35-182.4 (Appeals to the Planning Commission)** to include decisions by the Director on Land Use Permits that either follow the approval of a discretionary permit or are required when the Coastal Commission has retained permit authority.
- Substantially revising **Section 35-182.6 (Appeals to the Coastal Commission)** to specify the circumstances under which a final action on a permit may be appealed to the Coastal Commission in order to be consistent with the Coastal Act.

2. Summary of Modifications Regarding Noticing. The modifications approved by the Coastal Commission primarily make minor corrections and clarify the language submitted by the County in order to ensure that the County's zoning regulations are consistent with and implement the Coastal Act, including:

- Adding language to **Section 35-142.8 (Noticing)** that requires notice for approved residential second units also include inconsistency with the Coastal Act coastal access policies as a basis for appealing the approval.
- Delete language from **Section 35-143.2 (Large Family Day Care Homes)** so that the text is consistent with previously certified language.

- Delete language from **Section 35-143.3 (Non-Residential Child Care Centers)** so that the text is consistent with previously certified language.
- Adding language to **Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action)** to clarify that mailed notice is to be provided to residents located within 300 feet of proposed new or additions to existing commercial telecommunication sites.
- Adding a new Subsection 3 to **Section 35-181.2 (Notice of Public Hearings and Decision-Maker Actions)** that requires that if a public hearing is continued to a date that is not specified in a previous notice or is not announced at the public hearing that the project is required to be re-noticed.
- Revising the language of **Section 35-181.3 (Coastal Development Permit and Land Use Permit Noticing)** to:
 - a) Correct the time frames regarding when notice must be mailed and/or posted, and
 - b) Require that the Department instead of the applicant provide the required mailed notice to owners within 300 feet of the project site and occupants within 100 feet of the project site. The County originally proposed that the applicant be responsible for this task, however, recent experiences has led the Planning and Development Department to believe that the Department should be responsible for this task for efficiency's sake.

3. Summary of Modifications Regarding Processing of Coastal Development Permits, Conditional Use Permits, Development Plans and Land Use Permits. Although revisions to the Coastal Development Permit, Conditional Use Permit, Development Plan and Land Use Permit processes were not submitted by the County as part of the County-approved amendment to the Local Coastal Program, the Coastal Commission used this opportunity to revise the procedures regarding Coastal Development Permits and Land Use Permits that are associated with Conditional Use Permits and Development Plans. These modifications actually implement amendments to the Article II Coastal Zoning Ordinance that were adopted by the Board of Supervisors in May 2007 that serve to (1) minimize the number of times the same project may be appealed to the Coastal Commission and (2) shift the jurisdiction over Coastal Development Permits located in the Appeals Jurisdiction of the Coastal Zone to the Director of Planning and Development in instances where the normal requirement for a public hearing has been waived. Staff of the Coastal Commission and the Planning and Development Department worked closely together on the language of the approved modifications to the existing text of **Section 35-169 (Coastal Development Permits)**, **Section 35-172 (Conditional Use Permits)**, **Section 35-174 (Development Plans)**, and **Section 35-178 (Land Use Permits)**, including relevant portions of **Section 35-181 (Noticing)** and **Section 35-182 (Appeals)** to develop language that would both implement the amendments adopted in May 2007 and be consistent with the Coastal Act.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-280 of the adopted Planning and Development Department's budget for fiscal year 2007-08. There are no facilities impacts.

Staffing Impacts:

<u>Legal Positions</u>	<u>FTEs:</u>
0	0

Special Instructions:

1. Clerk of the Board will transmit to Planning and Development (attention Noel Langle) a signed resolution (Attachment B) and signed Board letter (Attachment C).
2. Planning and Development will transmit the Resolution and signed Board letter to the Coastal Commission and other copied parties.

Attachments:

- A. Coastal Commission Certification Action Letter, Santa Barbara Local Coastal Program Amendment 2-06-B (Noticing and Appeals Procedures)
- B. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications
- C. Letter from the Board of Supervisors transmitting the Resolution to the Coastal Commission

Authored by:

Noel Langle (805.568.2067)

ATTACHMENT A

**Coastal Commission Certification Action Letter
Santa Barbara Local Coastal Program Amendment 2-06 (Noticing & Appeals Procedures)**

CALIFORNIA COASTAL COMMISSION

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



November 20, 2007

Brooks Firestone, Chair
Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment 2-06 (Noticing and Appeals Procedures)

Dear Chair Firestone:

On November 14, 2007 the Coastal Commission approved LCP Amendment STB-MAJ-2-06 with suggested modifications. The Commission's resolution of certification is contained in the staff report dated October 29, 2007 and addendum dated November 13, 2007. The suggested modifications, as approved by the Commission on November 13, 2007 are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object


**County of Santa Barbara
LCP Amendment 2-06**

- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.
- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Should you have any questions regarding this matter, please contact Shana Gray in our Ventura office. The Commission and staff greatly appreciate the County's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

Peter Douglas
Executive Director

By: 
Gary Timm
District Manager

cc: Noel Langle

Suggested Modifications LCP Amendment 2-06 (Noticing & Appeals Procedures)

I. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN / COASTAL ZONING ORDINANCE

The staff recommends the Commission certify the following, with the modifications as shown below. The existing and 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.

1. Residential Second Unit Noticing Requirements

Sec. 35-142.8. Noticing.

1. Notice of the application and pending decision on a Coastal Development Permit for an attached residential second unit, or a detached residential second unit not located in an AG-I zone district, shall be given consistent with Sec. 35-181 (Noticing) requirements for discretionary decision-maker actions. The notice shall state that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the standards set forth in the certified local coastal program or does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20) ~~applicable provisions and policies of this Article and the Coastal Land Use Plan.~~

2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-181 (Noticing).

2. Large Family Day Care Home Noticing

Sec. 35-143.2. Large Family Day Care Homes.

Large Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that prior to the ~~issuance~~ approval of a Coastal Development Permit, the Zoning Administrator shall make the following findings:

1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.
2. The property is located more than three hundred (300) feet from any other Large Family Day Care Home and approval will not result in over concentration.
3. The noise levels, including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan.

~~The approval~~ Review of Large Family Day Care Homes pursuant to this Section shall be ~~deemed~~ a ministerial action which is exempt from the California Environmental Quality Act. Notice of the application and pending decision shall be given of the proposed use at least ten (10) days prior to the date of the Zoning Administrator's decision to all owners shown on the last equalized assessment roll as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed Large Family Day Care Home in compliance with Section 35-181 (Noticing). No hearing on the application shall be held unless a hearing is requested by the applicant or other affected person. ~~The action of the Zoning Administrator's decision may be appealed to the Board of Supervisors pursuant to the provisions of~~ final unless appealed in compliance with Section 35-327182.3 (Appeals).

Suggested Modifications LCP Amendment 2-06 (Noticing & Appeals Procedures)

~~Large Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that the use meets all of the following criteria:~~

~~1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.~~

~~2. The property is located more than 300 feet from any other Large Family Day Care Home and approval will not result in over-concentration.~~

~~3. The noise level, including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan.~~

~~Review of Large Family Day Care Homes pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Sec. 35-169.5. Notice of the application and pending decision on a Coastal Development Permit shall be given in compliance with Sec. 35-181.3.~~

3. Non-Residential Child Care Center Noticing

~~Sec. 35-143.3. Non-Residential Child Care Centers.~~

~~Non-Residential Childcare Facilities shall be permitted in the C-2, General Commercial and C-4 Limited Commercial zone districts with a Coastal Development Permit (i.e., no development plan) provided that the facility meets all of the following criteria:~~

~~1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.~~

~~2. The ambient noise level does not exceed those standards in the Noise Element for sensitive land uses (e.g., residences and schools).~~

~~3. Outdoor play areas are separated from abutting uses by a solid masonry wall not less than four feet in height.~~

~~4. The proposed child care center is compatible with on site and abutting commercial uses, as determined by the Planning & Development Department.~~

~~5. The number of students does not exceed 30 and the total gross square footage of the facility including outdoor play areas does not exceed 5,000 square feet.~~

~~Review of Non-Residential Child Care facility pursuant to this Section is a ministerial action which is exempt from the California Environmental Quality Act, unless the approval is subject to Sec. 35-169.5. Notice of the application and pending decision on a Coastal Development Permit shall be provided in compliance with Sec. 35-181.~~

4. Coastal Development Permit Noticing

~~Sec. 35-169.4 Processing~~

~~9. Notice of the application and pending decision on a Coastal Development Permit shall be given in compliance with Sec. 35-181 (Noticing).~~

~~This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Section 35-169.4.1.g, Section 35-169.4.2.d, and Section 35-169.4.3.g and h in Exhibit 24).~~

Suggested Modifications LCP Amendment 2-06 (Noticing & Appeals Procedures)

5. Minimum Noticing for Public Hearing and Decision-Maker Actions

Sec. 35-181.2 Notice of Public Hearing and Decision-Maker Action

~~1. Minimum Requirements. Except for decisions on Coastal Development Permits not subject to the requirements of Sec. 35-169.5 (Coastal Development Permits) and Land Use Permits, a~~ Notice shall be given in compliance with Section 65090 – 65096 of the Government Code for all projects that require a noticed public hearing or notice of decision ~~by the Director – make action (e.g., Amendment to Condition Use and the following minimum requirements:~~

- a. **Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 calendar days before the scheduled public hearing or action by the decision-maker.
- b. **Mailed notice.** Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:
 - 1) Any person who has filed a written request for notice and has supplied the Planning and Development Department with self-addressed stamped envelopes;
 - 2) The applicant(s);
 - 3) Owners of the subject lot, if different from the applicant;
 - 4) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 5) Residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - 6) The Coastal Commission.
 - 7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Sec. 35-144F.3 (Commercial Telecommunication Facilities).

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6. Noticing Requirements for Continued Hearings

Sec. 35-181.2 Notice of Public Hearing and Decision-Maker Action

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3. Continuances. If a public hearing on a project is continued by the local government to a time which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.

7. Applicant Noticing Responsibilities

Sec. 35-181.3. Coastal Development Permit and Land Use Permit Noticing.

1. Minimum Requirements. Notice of ~~a~~ the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) not subject to the special hearing requirements of Sec. 35-169.5 (Coastal Development Permits) and Land Use Permits that do not following a previous discretionary action shall be given in compliance with the following:

- a. **By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:

Suggested Modifications LCP Amendment 2-06 (Noticing & Appeals Procedures)

- 1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).
- 2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.
- 3) Said notice shall be posted pursuant to Subsection 1) above and/or mailed no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted or mailed less than:
 - a) 10 days before the scheduled date of ~~any~~the initial review by the Board of Architectural Review, or;
 - b) ~~10 days following the decision on the permit.~~ Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- 4) ~~Said~~ The posted notice shall be required to be continuously posted ~~for a minimum of 17 days~~ from the date required by Subsection 3), above and shall remain posted for a minimum of 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- ~~b. By the applicant. Notice of an application and pending decision on a Coastal Development Permit shall be given by the applicant in compliance with the following:~~
 - ~~45) Mailed notice shall be provided to the applicant(s).~~
 - 6) Mailed notice shall be provided to the owner(s) of the subject lot, if different from the applicant.
 - 7) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - 8) Mailed notice shall be provided to and the Coastal Commission.
 - ~~29) Mailed notice shall be provided to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below. 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.~~
 - a) Development that requires Design Review in compliance with Sec. 35-184 (Board of Architectural Review);
 - b) A new dwelling containing two- or three-story elements or a second or third story addition to an existing dwelling;
 - c) A new accessory structure in excess of 120 square feet or an addition to an existing accessory structure that would exceed 120 square feet;
 - d) A change in the allowed use of a structure;
 - e) Home occupations where clients come to the dwelling where the home occupation is conducted;
 - f) Residential second units, and additions thereto, as may be allowed in compliance with Sec. 35-~~142~~84 (Residential Second Units.);

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- g) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Sec. 35-143.2(Community Care Facilities);
- ~~h) Non residential Child Care Centers, and additions thereto, as may be allowed in compliance with Sec. 35-143.3 (Community Care Facilities);~~
- ~~h)~~ Commercial telecommunication facilities, and additions thereto, as may be allowed in compliance with Sec. 35-144F.3.1 (Commercial Telecommunication Facilities); and
- ~~i)~~ Noncommercial telecommunication facilities as may be allowed in compliance with Sec. 35-144G.3.1 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.
- ~~3-10)~~ Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Sec. 35-144F.3.1 (Commercial Telecommunication Facilities).
- ~~4)~~ For all other types of projects that require a Coastal Development Permit and are not included under Subsections 2), and 3), above, notice shall be provided in compliance with the following:
- a) 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.
- ~~5-11)~~ The names and addresses used for ~~such~~ mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- ~~12)~~ The contents of the notice shall be in compliance with Sec. 35-181.4.
- b. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- ~~1)~~ The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.
- ~~6-2)~~ The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Sec. 35-181.4.
- ~~7-3)~~ Said notice shall be ~~mailed and~~ posted by the applicant no later than 15 days following the filing of a complete application ~~to~~ with the Planning and Development Department, but in no case shall said notice be ~~mailed and~~ posted less than:
- a) 10 days before the scheduled date of any the initial review by the Board of Architectural Review; or
- b) Seven days before an following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- ~~8-4)~~ Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection ~~7-3)~~, above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- ~~9-5)~~ The applicant shall provide proof of the ~~mailing and~~ posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and

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Development Department no later 10 days before the scheduled date of ~~any~~the initial review by the Board of Architectural Review or seven days before following an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Coastal Development Permit or Land Use Permit.

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8. Minimum Requirements for Land Use Permits Following Discretionary Actions

Sec. 35 181.3. Coastal Development Permit and Land Use Permit Noticing.

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2. Minimum requirements for ~~Coastal Development Permits and~~ Land Use Permits following a previous discretionary action.

Notice of a pending decision on a ~~Coastal Development Permit or~~ Land Use Permit following a previous discretionary action and with the same project description shall be given in compliance with the following:

a. **By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:

1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).

2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.

3) Said notice shall be mailed and posted no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be mailed and posted less than:

a. 10 days before the scheduled date of ~~any~~the initial review by the Board of Architectural Review; or

b. 10 days before following an action by the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or~~ Land Use Permit.

4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or~~ Land Use Permit.

~~b. By the applicant.~~ Notice of an application and pending decision on a ~~Coastal Development Permit or Land Use Permit~~ shall be given by the applicant in compliance with the following:

~~4) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~

~~2) Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~

~~3) 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.~~

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47) The names and addresses used for ~~such mailed notices to owners~~ shall be those appearing on the equalized County assessment roll, as updated from time to time.

~~58)~~ The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Sec. 35-181.4.

b. By the applicant. Notice of an application and pending decision on a Land Use Permit shall be given by the applicant in compliance with the following:

1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.

2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Sec. 35-181.4.

~~63)~~ Said notice shall be ~~mailed and~~ posted by the applicant no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be ~~mailed and~~ posted less than:

a. 10 days before the scheduled date of ~~any~~ the initial review by the Board of Architectural Review; or

b. 10 days before ~~following~~ an action by the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.

~~74)~~ Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection ~~63)~~, above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or~~ Land Use Permit.

~~85)~~ The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later than 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days before ~~following~~ an action by the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or~~ Land Use Permit. Failure of the applicant to comply with this Section may result in denial and/or revocation of the ~~Coastal Development Permit or~~ Land Use Permit.

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9. Noticing for Coastal Development Permits and Land Use Permits

Sec. 35-181.4 Contents of Notice.

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3. Notice for projects that do not require a public hearing or other discretionary decision-maker action. The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a decision-maker.

a. All information required by Subsection 1, above.

b. A general description of the County procedures concerning the review of the application for the Coastal Development Permit or Land Use Permit, including:

1) How to participate in the review of the application for the Coastal Development Permit or Land Use Permit;

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- 2) How to receive notification of any pending review by the Board of Architectural Review, if applicable, and action to approve or deny the Coastal Development Permit or Land Use Permit;
 - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action to approve or deny the Coastal Development Permit or Land Use Permit;
 - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve or deny the Coastal Development Permit or Land Use Permit.
- c. ~~If applicable, the date of the pending decision on the Coastal Development Permit or Land Use Permit, and where applicable, the date of expiration of the appeal period.~~
- d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the requested subject Coastal Development Permit or Land Use Permit application, excluding Land Use Permits that follow a previous discretionary approval, excluding permits that follow a previous discretionary approval.

10. Accessory Structure Reference

Section 35-119.9 Accessory Structures

9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabañas, unless specifically permitted for such use. An accessory building or structure, or portion thereof, including guest houses, artist studios and cabanas, may be determined to constitute a dwelling by the Director when it is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of bathing facilities, closets, countertops or cupboards, dishwashers, exterior entrances, exterior staircases, garbage disposals, interior locking doors, separate addresses/mail box designations, separate balconies, decks, patios or yards, separate cable lines, phone lines or utility lines, separate carports, garages or parking areas (covered or uncovered), sleeping lofts, toilets, and sinks or bar sinks. Issuance of a building permit or other approval does not, of itself, establish that a building or portion thereof is not a dwelling unit. Said determination by the Director is considered a decision of the Director that may be appealed in compliance with ~~Sec. 35-489~~182 (Appeals). If, after appeal to the Planning Commission and, if required, the Board of Supervisors the determination that the accessory building or structure, or portion thereof constitutes a dwelling is maintained, then the dwelling may be subject to an enforcement action pursuant to Sec. 35-185 (Administration – Enforcement, Legal Procedures and Penalties) as appropriate.

11. Residential Second Unit Appeals

Sec. 35-142.9. Appeals.

The decision of the Director to approve or conditionally approve an application for a residential second unit is final subject to appeal in compliance with ~~Sec. 35-489~~182 (Appeals). The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of ~~this Article and the Coastal Land Use Plan, the certified local coastal program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).~~ The decision of the Director to deny an application for a residential second unit is final subject to appeal in compliance

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with Sec. 35-182 (Appeals). The decision of the Zoning Administrator to approve, conditionally approve, or deny an application for a detached residential second unit in agricultural areas is final subject to appeal in compliance with Section 35-182 (Appeals). All decisions to approve, or conditionally approve, residential second units shall be subject to appeal to the California Coastal Commission pursuant to Section 35-182.6.d.

12. Telecommunication Facilities Reference

Sec. 35-144.F.5.3

3. Collocation. Following initial approval of a telecommunication project, the permittee shall avail its facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:

- ...
- e. In the event access to an existing facility is denied by the applicant, and at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and the carrier requesting to collocate. The decision of the Director to impose additional conditions is final subject to appeal in compliance with Sec. 35-~~489~~182 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.

13. Wildlife Species Rehabilitation Reference

Sec. 35-144.I.4

4. Development standards: All wildlife species rehabilitation shall comply with the following development standards.

- ...
- d. The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the County Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or does create offensive noise or odor, the Director may order the cessation of such wildlife species rehabilitation activities. This decision of the Director is final subject to appeal in compliance with Sec. 35-~~489~~182 (Appeals).

14. Coastal Development Permit Appeal Procedures

Sec. ~~35-169.4.3~~

~~3. The decision of the Director to approve, conditionally approve or deny a Coastal Development Permit not subject to the additional requirements of Section 35-169.5. (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) is final subject to appeal in compliance with Sec. 35-182 (Appeals).~~

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This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24. (This Section has been renumbered and superseded by Section 35-169.4.1(c) in Exhibit 24).

Sec. 35-169.5.3

~~3. The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action is final subject to appeal in compliance with Sec. 35-182. (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Sec. 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision maker for the Coastal Development Permit.~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section been renumbered and superseded by Section 35-169.4.2 (c)(d)(e) & (f) in Exhibit 24).

15. Conditional Use Permit Appeal Procedures

Sec. 35-172.7.4

~~4. The action of the Planning Commission or Zoning Administrator is final subject to appeal in compliance with Sec. 35-182 (Appeals). Under PRC Section 30603, the issuance of a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission as provided in Sec. 35-182.4 (Appeals).~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Section 35-172.7.6 in Exhibit 24).

16. Development Plan Appeal Procedures

Sec. 35-174.4.4

~~4. If the Preliminary Development Plan is under the jurisdiction of the Director as provided in Sec. 35-174.2, a public hearing shall not be required. However, notice shall be given at least 10 days prior to the date of the Director's decision as provided in Sec. 35-181 (Noticing). The Director may approve, conditionally approve, or deny the Preliminary Development Plan. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Section 35-174.4.4.a in Exhibit 24).

Sec. 35-174.4.5

~~5. The Planning Commission or Zoning Administrator shall consider Preliminary Development Plans within their jurisdiction at a noticed public hearing and approve, conditionally approve, approve with modification of development standards, or deny the plan. The action of the Planning Commission or Zoning Administrator is final subject to appeal in compliance with Sec. 35-182 (Appeals).~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Section 35-174.4.4.b in Exhibit 24).

Sec. 35-174.6.3

~~3. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall review the Final Development Plan to determine that the plan is in substantial conformity with the Preliminary~~

Suggested Modifications LCP Amendment 2-06 (Noticing & Appeals Procedures)

~~Development Plan, pursuant to the provisions set forth in this Section. The Director shall approve, conditionally approve, or deny the Final Development Plan, without a public hearing. Notice shall be given 10 days prior to the Director's decision pursuant to Section 35-181. The Director's action shall be final subject to appeal in compliance with Section 35-182 (Appeals).~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Sections 35-174.6.4, 35-174.6.5(a), and 35-174.7.2.a in Exhibit 24).

17. Land Use Permit Appeal Procedures

Sec. 35-178.4.4

~~4. The decision of the Director to approve, conditionally approve, or deny a Land Use Permit shall be final subject to appeal in compliance with Sec. 35-182 (Appeals).~~

This Section shall be modified as provided in Exhibit 7, pursuant to Suggested Modification 24 (This Section has been renumbered and superseded by Section 35-178.4.2 in Exhibit 24).

18. Appeal Procedures For Local Decisions

Sec. 35-182.2 General Appeal Procedures

~~Except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission as provided under Sec. 35-182.5, the decisions or determinations of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator may be appealed as consistent with the following procedures. (In addition, final action on Coastal Development Permits may be appealed to the Coastal Commission, where applicable, in compliance with Section 35-182.6), follows:~~

A. Who May Appeal.

~~An appeal may only be filed by an applicant or any 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 decision-maker of the nature of his concerns or who for good cause was unable to do either.~~

B. Timing and Form of Appeal.

1. Appeals of decisions of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator.

a. An appeal of a decision of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator shall be filed within the 10 calendar days following the decision or determination that is the subject of the appeal except as otherwise provided in this Article.

b. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Sec. 35-182.2.C, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.

2. Computation of time for appeal. The time within which the appeal shall be filed shall commence on the next calendar day following the day on which the decision was made or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

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C. Requirements for Contents of an Appeal.

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:

- a. The identity of the appellant and her or his interest in the decision;
- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article, or other applicable law;
- d. If it is claimed that there was error or abuse of discretion on the part of the Board of Architectural Review, Director, Planning Commission, Zoning Administrator, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Sec. 35-182.2.C-4.

a. **Appeals Regarding a Previously Approved Discretionary Permit.** If the approval of a ~~Coastal Development Permit~~ or Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:

- (1) How the ~~Coastal Development Permit~~ or Land Use Permit is inconsistent with the previously approved discretionary permit, or
- (2) How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a ~~Coastal Development Permit~~ or Land Use Permit have not been completed, or
- (3) How the approval is inconsistent with Section 35-181 (Noticing).

b. **Appeals of Final Decision of the Board of Architectural Review.** A decision of the Board of Architectural Review to grant final approval may not be appealed to the Planning Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

D. **Acceptance of Appeal.** An appeal may ~~shall not be rejected-accepted~~ by the Director under the following circumstances; ~~unless~~

1. The appeal was not submitted by an applicant or an aggrieved party in compliance with Section 35-182.2.A; or
2. The appeal was not timely submitted in compliance with Section 35-182.2.B; or
3. it is complete and The appeal does not comply with all the applicable requirements of Sec. 35-182.2.C.

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The decision of the Director is final and not subject to appeal.

E. Appeal Fees. The appellant shall pay the required filing fee, as established from time to time by resolution of the Board of Supervisors, at the time of the filing of the appeal.

F. Effect of Filing of Appeal. The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Article until such time as final action has occurred on the appeal.

G. Notice of Public Hearing Required. Notice of the time and place of the hearing shall be given in compliance with Sec. 35-181 (Noticing). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

H. Special Processing Requirements. The following requirements apply to applications for ~~Zoning Clearance~~ and Coastal Development Permits or Land Use Permits that also require review by the Board of Architectural Review:

1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the ~~Zoning Clearance~~ or Coastal Development Permit or Land Use Permit, but prior to the issuance of the Coastal Development Permit or Land Use Permit for such project.

2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.

3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to the decision on the ~~Zoning Clearance~~ or Coastal Development Permit or Land Use Permit.

19. Temporary Use Appeal Procedures

Sec. 35 182.3. Appeals to the Zoning Administrator.

A. Decisions appealed to the Zoning Administrator. The following decisions of the Director may be appealed to the Zoning Administrator:

1. Any decision by the Director to approve, approve with conditions, or deny an application for a Coastal Development Permit or Land Use Permit for temporary use in compliance with Sec. 35-137 (Temporary Uses) may be appealed to the Zoning Administrator ~~in compliance with Sec. 35-137.7.1.~~

~~**B. Public Hearing Required.** Notice of the time and place of the hearing shall be given in compliance with Sec. 35-137 (Temporary Uses). Notice shall be mailed to the appellant and the applicant, if different than the appellant.~~

~~**CB. Action on Appeal.** The Zoning Administrator shall affirm, reverse, or modify the decision of the Director. The action of the Zoning Administrator is final and not subject to appeal.~~

20. Planning Commission Appeals

Sec. 35-182.4. Appeals to the Planning Commission.

A. Decisions appealed to the Planning Commission. The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Sec. 35-182.2.C. and D.

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1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Sec. 35-182.2.C.2.e).
2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article;
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943;
 - c. Any decision of the Director to revoke an approved or issued Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit. ~~Any decision of the Director to revoke an approved Zoning Clearance.~~
 - f. Any decision of the Director to approve, conditionally approve, ~~approve with conditions~~, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approve, ~~approve with conditions~~, or deny any other discretionary application where the Director is the designated decision-maker.
 - h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
3. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Planning Commission, except that when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan, the decision of the Zoning Administrator may be appealed to the Board of Supervisors.
 - a. Any decision of the Zoning Administrator to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Variance, or other discretionary application where the Zoning Administrator is the designated decision-maker.
 - b. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

...

21. Board of Supervisors Appeals

Sec. 35-182.5. Appeals to the Board of Supervisors.

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A. Decisions appealed to the Board. The following decisions of the Planning Commission may be appealed to the Board of Supervisors provided the appeal complies with the requirements of Sec. 35-182.2.C. and D.

1. Any final action on decisions that are appealed to the Planning Commission in compliance with Sec. 35-182.4. (Appeals to the Planning Commission).
2. Any final action on decisions of the Planning Commission to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Planning Commission is the designated decision-maker.
3. Any other action, decision or determination made by the Planning Commission as authorized by this Article where the Planning Commission is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
4. Any decision of the Zoning Administrator to approve, approve with conditions, or deny an application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Variance, or other discretionary application where the Zoning Administrator is the designated decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan.
5. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan except when specifically provided that such action, decision or determination is final and not subject to appeal.

...

D. Action on Appeal. The Board of Supervisors shall affirm, reverse, or modify the decision of the ~~Planning Decision Commission.~~

...

22. Appeals to the Coastal Commission

Sec. 35-182.56. Appeals to the Coastal Commission.

1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under PRC Section 30603, ~~a final action on a Coastal Development Permit application by the Board of Supervisors~~ may be appealed to the California Coastal Commission within 10 working days from the date of receipt by the Commission of the County's notice of final action.

2. Any appealable action on a coastal development permit application may be appealed to the Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be made in writing and be received by the appropriate Coastal Commission district office by the deadline listed in the prior section. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit; except that exhaustion of all local appeals shall not be required where a project is appealed by any two Commissioners or if any of the following occur:

a. The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.

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- b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision. For purposes of this section, a local ordinance requiring a prospective appellant to have made his/her views known in connection with the original decision prior to taking a local appeal, or otherwise to have exhausted local remedies at the local level prior to taking a local appeal, does not count as a "a local ordinance which restricts the class of persons who may appeal a local decision."
- c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.
- d. The local government jurisdiction charges an appeal fee for the filing or processing of appeals.
23. In accordance with Public Resources Code Section 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission:
- a. Developments approved by the County between the sea and the first public road paralleling the sea.
 - b. Developments approved by the County 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.
 - ~~b.c.~~ Developments approved by the County not included within paragraphs (a) or (b) of this section that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone map or as determined by the State Lands Commission.
 - ~~e.d.~~ Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This includes, but is not limited to, d) Developments approved by the County that require a Conditional Use Permit.
 - ~~e.e.~~ Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in Public Resources Code Section 30603(a)(5) and this Article shall mean any proposed public works project or energy facility exceeding \$50,000 in estimated cost of construction. facility that meets the definition in California Code of Regulations, Title 14, Section 13012(b).
34. Grounds of Appeal.
- a. The grounds of appeal to the Coastal Commission for any development appealable under ~~23-a,~~ of this Section shall be limited to ~~one or more of the following:~~
 - 4) an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the Coastal Act, which is codified in Public Resources Code, Division 20, except that a denial of a permit for development included in subsection 3 e above, shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act and codified in Public Resources Code, Division 20.
 - ~~1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.~~

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- ~~2) The development fails to protect public views from any road or from a recreation area to, and along, the coast.~~
 - ~~3) The development is not compatible with the established physical scale of the area.~~
 - ~~4) The development may significantly alter existing natural landforms.~~
 - ~~5) The development does not comply with shoreline erosion and geologic setback requirements.~~
 - ~~6) The development is not in conformity with the Local Coastal Program.~~
- ~~b. The grounds of appeal for any development appealable under 23.b.c. and d. and e. of this section shall be limited to whether the grounds that the development is not in conformity with the Local Coastal Program.~~

23. Definition of Appealable Development

Section 35-58 (Definitions)

"Appealable Developments:"

1. Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is not beach, whichever is the greater distance, ~~as indicated on the official County appeals zone maps.~~
2. Developments approved by the County not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff, ~~as indicated on the official County appeals zone map or as determined by the State Lands Commission.~~
3. Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This includes, but is not limited to, dDevelopments approved by the County that require a Conditional Use Permit (CUP).
4. Any development which constitutes a major public works project or a major energy facility.

24. Conditional Use Permit, Development Plan, Coastal Development Permit, and Land Use Permit Processing

Sections 35-169 (Coastal Development Permits), 35-172 (Conditional Use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits) of Article II of the certified Zoning Ordinance shall be revised consistent with the text changes specifically shown in Exhibit 7 of this staff report.

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Exhibit 7 Showing Approved Suggested Modification 24:

Sec. 35-169. Coastal Development Permits.

Sec. 35-169.1 Purpose and Intent.

This Section establishes procedures and findings for the approval, issuance and effective time periods for Coastal Development Permits in the Coastal Zone that are required by this Article. The intent of this section is to enable the Planning and Development Department to ensure that development proposals are ~~is~~ in conformity with the provisions of this Article, and the Comprehensive Plan, including the Coastal Land Use Plan, and any applicable Community Plans 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 Sec. 35-182 (Appeals).

Sec. 35-169.2 Applicability.

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued, unless other regulations of this Article specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property. The following activities shall be exempt from the issuance of a Coastal Development Permit:

The existing language of subsection a. through subsection p. is not revised.

Sec. 35-169.3 Contents of an Application. The existing language of this section is not revised.

Sec. 35-169.4 Processing.

1. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. The Planning and Development Department Director shall review the Coastal Development Permit application for ~~conformance compliance~~ with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit. Applications for development within a Geographic Appeals Area may be subject to the requirements of Section 35-169.11., in addition to the provisions of this Section.
2. ~~The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works~~

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~~Project) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.~~

~~3c. The decision of the Planning and Development Department on the approval or denial of Coastal Development Permits, not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Section 35-182 (Appeals). The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).~~

~~4d. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:~~

~~1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).~~

~~2) Until the applicant has signed the Coastal Development Permit.~~

~~3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied, and~~

~~4) until ~~Until~~ all other necessary prior approvals have been obtained.~~

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

~~5d. In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, any subsequently required Coastal Development Permit shall not be approved or issued within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in accordance ~~compliance with Section 35-182.3 (Appeals).~~~~

~~6. In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued 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 may be filed in accordance with Section 35-182.4 (Appeals).~~

~~7e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or ~~issued~~ conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures ~~would~~ will conform to both the existing zoning and existing provisions of this Article, and the ~~said~~ rezoning or amendment initiated by the Board of Supervisors or unless a Preliminary or Final Development Plan was approved by the County before the adoption of ~~said~~ the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.~~

~~8f. In lands zoned ~~MON~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.~~

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- ~~9g.~~ Prior to approval or conditional approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to notice of the pending decision shall be given in compliance with Section 35-181 (Noticing) and Section 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Coastal Development Permit.
- ~~10.~~ A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring, or if appealed, prior to final action by the decision maker on the appeal pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.
- ~~Sec. 35-169.5 Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.~~
2. Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. A Coastal Development Permit application under the Permitted Uses section of any Zone District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4 above: This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission, in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.
- ~~4a.~~ After accepting receipt of the Coastal Development Permit application for processing, the Planning and Development Department shall process the project through environmental review review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- ~~2b.~~ For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- ~~3c.~~ The Zoning Administrator shall hold at least one noticed public hearing, unless waived in compliance with Subsection 2.e below, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request.
- d. Notice of the time and place of said the hearing shall be given in the manner prescribed in compliance with Section 35-181 (Noticing).
- e. The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements:
- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.

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- c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the Coastal Commission.
- 3) A written request for public hearing is not received by the Planning and Development Department within 15 working days immediately following the date the notice, required in compliance with Section 35-169.4.2.e.2 above, is mailed.
- If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.
- f. The Zoning Administrator's action shall be of the decision-maker is final subject to appeal to the Board of Supervisors as provided under in compliance with Section 35-182 (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Section 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision maker for the Coastal Development Permit.
- ~~4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6 can still be made.~~
- g. A Coastal Development Permit approved pursuant to in compliance with this Section shall not be considered to be in effect and shall not be issued or deemed effective until:
- a1) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- b2) the ~~Until the~~ applicant has signed the Coastal Development Permit, ~~and,~~
- c3) the ~~applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission.~~ Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained. and
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

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No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- ih. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
 - iii. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a Conditional Use Permit (Sec. 35-172) or Final Development Plan (Sec. 35-174).
- a. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or a Final Development Plan.
 - b. The decision-maker for the Conditional Use Permit or Final Development Plan as applicable shall be the decision-maker for the Coastal Development Permit.
 - 1) The Zoning Administrator shall be the decision-maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Sec. 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - c. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - hd. The decision-maker shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations.
 - he. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - ef. For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with Section 35-174.6.6.b.
 - g. For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the requested Coastal Development Permit.

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- h. Notice of the time and place of any applicable public hearing shall be given in compliance with Section 35-181 (Noticing).
- i. The action of the decision-maker on a Coastal Development Permit is final subject to appeal in compliance with Section 35-182 (Appeals).
- a-1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- a-2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- i. A Coastal Development Permit approved in compliance with this Section shall not be issued or deemed effective:
- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - 4) Until all other necessary prior approvals have been obtained. and
 - 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).
- No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.
- k. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- l. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

Sec. 35-169.65 Findings Required for Approval of a Coastal Development Permit.

1. A Coastal Development Permit, ~~not subject to Section 35-169.5,~~ application that is subject to Section 35-169.4.1 above, shall be ~~issued~~ approved or conditionally approved only if the

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decision-maker first makes all of the following findings-are made:

- a. ~~That the~~ The proposed development conforms to:
 - 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and
 - 2) ~~with~~ With the applicable provisions of this Article ~~and~~ for the project falls within the limited exceptions allowed under Section 35-161.7. (Nonconforming Use of Land, Buildings and Structures.
 - b. ~~That~~ The proposed development is located on a legally created lot.
 - c. ~~That~~ The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and ~~such any applicable zoning violation enforcement fees as established from time to time by the Board of Supervisors and processing fees~~ have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures under in compliance with Section 35-160 of ~~see~~ Division 10 (Nonconforming Structures and Uses).
2. A Coastal Development Permit, application that is subject to Section 35-169.5.4.2 above, shall ~~only be issued~~ approved or conditionally approved only if the decision-maker first makes all of the following findings-are made:
- a. Those findings specified in Section 35-169.65.1 above.
 - b. ~~That~~ The development ~~does will~~ not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. ~~That~~ The development is compatible with the established physical scale of the area.
 - d. ~~That~~ The development ~~is in conformance~~ will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.
3. A Coastal Development Permit application that is subject to Section 35-169.4.3 above shall be approved or conditionally approved only if the decision-maker first makes all of the findings:
- a. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.1 above.
 - b. Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.2 above.

Sec. 35-169.76 Expiration.

4. ~~A Coastal Development Permit shall remain valid only as long as all provisions of this Article and the Permit are met.~~
21. Coastal Development Permits approved in compliance with Section 35-169.4.1 and 35-169.4.2.
- a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved the Coastal Development Permit may extend the approval

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one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

~~2b.~~ 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.

~~3-c.~~ Prior to the expiration of such two year period in 1b above, the Director may extend such period one time for one ~~additional~~ year for good cause shown, provided that the findings for approval pursuant to in compliance with Section 35-169.65, as applicable, can still be made.

32. Coastal Development Permits approved in compliance with Section 35-169.4.3.

a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

1) Prior to the expiration of a time extension approved in compliance with Subsection 3.a above, the decision-maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

b. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.

c. A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 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 or Development Plan (as modified by any extension thereto).

Sec. 35-169.8 is renumbered as Sec. 35-169.7.

Sec. 35-169.9 is renumbered as Sec. 35-169.8.

Sec. 35-169.10 is renumbered as Sec. 35-169.9.

Sec. 35-169.11 Waiver of Public Hearing Requirement.

~~1. For the purposes of this Section, "minor development" means a development which the Director determines satisfies all of the following requirements:~~

~~a. The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.~~

~~b. The development does not require any discretionary approvals other than a Coastal Development Permit.~~

~~c. The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.~~

~~2. The requirement for the public hearing for an application for a Coastal Development Permit, pursuant to Section 35-169.5, may be waived for a "minor development" (as defined in Section~~

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~~35-169.11) by the Planning and Development Department only if both of the following occur:~~

- ~~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.~~
 - ~~b. No written request for public hearing is received by the Planning and Development Department within 15 working days from the date of sending the notices pursuant to Section 35-169.11.2.a.~~
- ~~3. The notice provided pursuant to Section 35-169.11.2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the California Coastal Commission.~~
 - ~~4. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator hearing agendas.~~

Sec. 35-169.12 is renumbered as Sec. 35-169.10.

Sec. 35-172. Conditional Use Permits.

Sec. 35-172.1 Purpose and Intent. The existing language of this section is not revised.

Sec. 35-172.2 Applicability. The existing language of this section is not revised.

Sec. 35-172.3 Jurisdiction. The existing language of this section is not revised.

Sec. 35-172.4 Minor Conditional Use Permits. The existing language of this section is not revised.

Sec. 35-172.5 Major Conditional Use Permits. The existing language of this section is not revised.

Sec. 35-172.6 Contents of Application.

1. As many copies of a Conditional Use Permit application as ~~may be~~ required by the Director shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Section 35-174.5) as are applicable to the request.
 - a. If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except as follows:
 - 1) The Coastal Commission approves the Coastal Development Permit when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission pursuant to Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

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The application for the Coastal Development Permit shall contain all of the submittal requirements for a Coastal Development Permit (Section 35-169) that the Director of the Planning and Development Department determines to be applicable to the request.

2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements (Section 35-174), a Development Plan shall be required in addition to obtaining a Conditional Use Permit except for those uses listed in Section 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations - Applications That Are Within The Jurisdiction Of More Than One Final Decision Maker) and Section 35-174 (Development Plans), if the Conditional Use Permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
 - a. The use of the site proposed to be allowed by the Conditional Use Permit is the only proposed use of the site, or
 - b. On a developed site, no new development is proposed beyond that applied for under the minor Conditional Use Permit.
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following:
 - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Section 35-144F.3.3 provided that any structure constructed or erected as part of the telecommunications facility (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Section 35-144F.5.4 (Project Abandonment/Site Restoration).

Sec. 35-172.7 Processing.

1. After receipt of the an application for a Conditional Use Permit application, the Planning and Development Department shall process the application through environmental review review the application in compliance with the California Environmental Quality Act.
2. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
3. The Planning and Development Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission or Zoning Administrator decision-maker.
34. The Planning Commission or Zoning Administrator decision-maker will then consider the requested shall hold at least one public hearing on the requested Conditional Use Permit and Coastal Development Permit, if applicable, at a noticed public hearing and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
5. Notice of the time and place of said hearing shall be given in the manner prescribed in Section 35-181 (Noticing).
46. The action of the Planning Commission or Zoning Administrator decision-maker shall be final subject to appeal to the Board of Supervisors as provided under in compliance with Section 182-3 (Appeals).

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- ~~a. Under In compliance with Public Resources Code Section 30603, the issuance of a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission as provided in compliance with Section 182.4 (Appeals).~~
57. Conditional Use Permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
68. If a Revised Conditional Use Permit is required as provided in Section 35-172.11, it shall be processed in the same manner as the original permit. When approved by the decision-maker, such revised permit shall automatically supersede any previously approved permit.

Sec. 35-172.8 Findings Required for Approval.

A Conditional Use Permit application shall ~~only~~ be approved or conditionally approved only if the decision-maker first makes all of the following findings ~~are made~~:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.
2. That adverse environmental impacts are mitigated to the maximum extent feasible.
3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.
7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.
8. That the project will not conflict with any easements required for public access through, or public use of the property.
9. That the proposed use is not inconsistent with the intent of the zone district.

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

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit authorizing such development and/or use shall be obtained. ~~At the time of approval of a Conditional Use Permit, a time limit shall be established within which a Coastal Development Permit must be obtained. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or if appealed, the date of action by the Board of Supervisors. The time limit may be extended by the decision-maker with jurisdiction over the project pursuant to the provisions of Section 35-172.11, one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration date. If the time limit expires and no extension has been granted, then the Conditional Use Permit shall be considered null and void.~~

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2. Land Use Permit required. Before the commencement of the development and/or use authorized by a Conditional Use Permit a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).
- a. Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.
3. Time limit. At the time of approval of a Conditional Use Permit, a time limit shall be established within which the Land Use Permit shall be issued.
- a. The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
- b. If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.
- c. The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
- 1) A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.
- 2) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
- d. A Conditional Use Permit shall be considered void and of no further effect if:
- 1) The required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved, or
- 2) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.
- ~~24. Conditional Use Permit void. A Conditional Use Permit shall become null and void and be automatically revoked if the development and/or authorized use permitted under the Conditional Use Permit is discontinued for a period of more than one year 12 months. Said time limit for discontinuance may be extended by the decision-maker with jurisdiction over the project, in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction), one time for good cause shown, provided a written request, including that includes a statement of the reasons for the time extension request, is filed with the Planning and Development Department prior to expiration date.~~

Sec. 35-172.10 Revocation. The existing language of this section is not revised.

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

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

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1. **Substantial Conformity.** The Director may approve a minor change to a Conditional Use Permit, if the Director determines that the change is in substantial conformity with the approved Conditional Use Permit, pursuant to the County's Substantial Conformity Guidelines.

- a. No public noticing or public hearing shall be required for Substantial Conformity Determinations.

- b. The action of the Director shall be final and not appealable is final and not subject to appeal.

~~Aa Coastal Development Permit shall be required, pursuant to the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Conditional Use Permit.~~ c. Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.

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

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

2. **Amendments.**

Where a change to an approved Conditional Use Permit is not in substantial conformity with the approved permit, the Director, or in the case of a Revocation hearing the decision-maker with jurisdiction over the project, may approve, or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Conditional Use Permit, providing:

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- a. The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency as part of the approved permit.
- b. All of the following additional findings can be made:
 - (1) In addition to the findings required for approval of a Conditional Use Permit set forth in this Sec. 35-172.8., the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved.
 - (2) The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However notice shall be given at least ten (10) days prior to the date of the decision as provided in Sec. 35-181 (Noticing). The decision-maker may approve, conditionally approve, or deny the Amendment.
- d. Prior to commencement of the development and/or use authorized by the Amendment to the Conditional Use Permit, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) shall be required to allow the development and/or use authorized by the Amendment.
 1. Coastal Development Permit required. Prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.

...
Sec. 35-172.12 Conditions, Restrictions, and Modifications. The existing language of this section is not revised.

Sec. 35-172.13 Additional Requirements. The existing language of this section is not revised.

Sec. 35-174. Development Plans.

Sec. 35-174.1 Purpose and Intent. The existing language of this section is not revised.

Sec. 35-174.2 Applicability

...

2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
 - a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site.

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- b) In all zone districts, Final Development Plans for projects that were legally permitted and developed without an effective Development Plan where the project is now considered nonconforming due to the absence of a Development Plan provided that no revisions to the existing development are proposed in connection with the Final Development Plan application. If revisions to the existing development are proposed, then the application shall be processed as if it were an application for a new project and the jurisdiction shall be determined pursuant to Section 35-174.2.
- c) Communication facilities as specified in Section 35-144F.
- d) In all zones, Final Development Plans for projects where the Board of Supervisors, Planning Commission, Zoning Administrator, or Director approved the Preliminary Development Plan and the conditions of approval of the Preliminary Development Plan do not specify a decision-maker for the Final Development Plan other than the Director.

...

Sec. 35-174.3 Contents of a Preliminary Development Plan. The existing language of this section is not revised

Sec. 35-174.4 Processing of Preliminary Development Plans.

1. For all development within the Coastal Zone proposed between Gaviota Beach State Park and the Santa Maria River, upon receipt of the Preliminary Development Plan, the Planning and Development Department shall transmit one copy of the plan to the Air Force Missile Flight Safety Office (WSMC-SE), USAF, Vandenberg. The Air Force may submit to the Planning and Development Department available information regarding missile debris hazards for the County to consider in reviewing the Preliminary Development Plan. Such information shall be provided to the County within 30 days of the date of transmittal and the County shall immediately send a copy to the applicant.
2. After receipt of ~~the an application for a~~ Preliminary Development Plan, the Planning and Development Department shall ~~process the plan through environmental review~~ the application in compliance with the requirements of the California Environmental Quality Act.
3. The Planning and Development Department shall refer the ~~Preliminary Development Plan application~~ to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the ~~Planning Commission, Zoning Administrator or the Director~~ decision-maker.
4. **Notice, public hearing and decision.**
 - a. Preliminary Development Plans under the jurisdiction of the Director. If the Preliminary Development Plan is under the jurisdiction of the Director as provided in Section 35-174.2, a public hearing shall not be required. A public hearing shall not be required if the Director is the decision-maker for the Preliminary Development Plan in compliance with Section 35-174.2.
 - 1) ~~However, notice~~ Notice of the pending decision of the Director shall be given at least 10 days ~~prior to~~ before the date of the Director's decision ~~as provided in compliance with Section 35-181 (Noticing).~~
 - 2) The Director may approve, conditionally approve, ~~approve with modifications of development standards,~~ or deny the Preliminary Development plan ~~Plan.~~
 - 3) ~~The action of the Director's decision shall be~~ is final, subject to appeal ~~to the Planning~~

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~~Commission as provided in compliance with Section 35-182 (Appeals).~~

- ~~5b.~~ Preliminary Development Plans under the jurisdiction of the Planning Commission or Zoning Administrator. A public hearing shall be required if ~~The~~ the Planning Commission or Zoning Administrator is the decision-maker on the Preliminary Development Plan.
- ~~1)~~ The decision-maker shall hold at least one ~~consider Preliminary Development Plans within their jurisdiction at a~~ noticed public hearing on the requested Preliminary Development Plan and approve, conditionally approve, ~~approve with modifications of development standards,~~ or deny the ~~plan~~ request.
 - ~~2)~~ The ~~Planning Commission or Zoning Administrator~~ action shall be of the decision-maker is final; subject to appeal to the ~~Board of Supervisors~~ as provided in compliance with ~~Section 35-182.3 (Appeals).~~
- ~~65.~~ If the Preliminary Development Plan is processed in conjunction with a rezone application, the Planning Commission shall recommend approval, conditional approval, ~~approval with modification of the development standards,~~ or denial of the Preliminary Development Plan, or Final Development Plan and Coastal Development Permit if applicable, to the Board of Supervisors.
- ~~76.~~ If a Revised Preliminary Development Plan is required as provided in Section 35-174.10, it shall be processed in the same manner as the original plan. When approved by the Board of Supervisors, Planning Commission, Zoning Administrator, or Director, such revised plan shall automatically supersede any previously approved plan.

Sec. 35-174.5 Contents of Final Development Plan.

1. As many copies of the Final Development Plan as may be required shall be submitted to the Planning and Development Department. Unless specifically waived by the Director, the information submitted shall consist of the following:
 - a. All information and maps required under Section 35-174.3, Preliminary Development Plan submittal.
 - b. Floor plans of each building indicating ground floor area and total floor area of each building.
 - c. Proposed landscaping indicating type of irrigation proposed, irrigation plan indicating existing and proposed trees, shrubs, and ground cover, and delineating species, size, placement. Where the provisions of this Article require a Landscape Plan in conjunction with proposed development the following shall apply:
 - 1) The Planning and Development Department shall review the landscape plan and may approve or conditionally approve said plan. Said landscape plans shall be prepared by a registered landscape Architect.
 - 2) Prior to the issuance of the Coastal Development Permit for the development, a performance security, in an amount to be determined by the Planning and Development Department to guarantee the installation of plantings, walls, and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting shall be filed with the County, if deemed necessary by the Planning and Development Department.

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- d. Description of proposed Homeowners Association (if applicable), indicating major elements to be included in the CC&Rs, deeds, and restrictions and methods of open space maintenance.
- e. The proposed method of fulfilling all conditions of approval required on the Preliminary Development Plan.
- f. If an application for a Final Development Plan is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with Final Development Plan application except as follows:
 - 1) The Coastal Commission approves the Coastal Development Permit when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission; or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

The application for the Coastal Development Permit shall contain all of the submittal requirements for a Coastal Development Permit (Section 35-169) that the Director of the Planning and Development Department determines to be applicable to the request.
- fg. Any other supplementary ~~data~~ information requested by the Planning and Development Department.

Sec. 35-174.6 Processing of Final Development Plans.

1. ~~Upon~~ After receipt of ~~the an~~ application for a Final Development Plan, the Planning and Development Department shall ~~process the plan through environmental review and may refer the plan to the Subdivision Committee, unless there is no change from the preliminary Development Plan~~ review the application in compliance with the requirements of the California Environmental Quality Act.
2. ~~The Planning and Development Department shall refer the Final Development Plan shall be referred~~ application to the Board of Architectural Review for final review and recommendations, if necessary. "As built" Development Plans that include exterior alterations shall be subject to the provisions of Section 35-184, (Board of Architectural Review).
3. ~~When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall review the Final Development Plan to determine that the plan is in substantial conformity with the Preliminary Development Plan, pursuant to the provisions set forth in this Section. The Director shall approve, conditionally approve, or deny the Final Development Plan, without a public hearing. Notice shall be given 10 days prior to the Director's decision pursuant to Section 35-181. The Director's action shall be final subject to appeal to the Planning Commission as provided in Section 35-182 (Appeals).~~ The Planning and Development Department shall refer the application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.
4. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall be the decision-maker for the Final Development unless:

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- a. Conditions of the Preliminary Development Plan indicate otherwise; or
 - b. The Preliminary Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the review authority shall be the Zoning Administrator.
5. When an application for a Final Development Plan is submitted for development that is appealable to the Coastal Commission in compliance Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Final Development Plan if the Director is otherwise designated as the decision-maker in compliance with this Article.
6. **Notice, public hearing and decision.**
- a. **Final Development Plans under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Final Development Plan.
 - 1) Notice of the pending decision of the Director on the Final Development Plan shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Final Development Plan.
 - 3) The action of the Director on the Final Development Plan is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 4) The Director may approve minor changes to the Final Development Plan. If the Final Development Plan has any substantial changes from the Preliminary Development Plan approved by the Board of Supervisors, Planning Commission, or Zoning Administrator, the Director shall refer the Final Development Plan to the ~~hearing body~~ decision-maker with jurisdiction ~~(Planning Commission or Zoning Administrator)~~ for approval.
 - b. **Final Development Plans under the jurisdiction of the Planning Commission or Zoning Administrator.** A public hearing shall be required if the Planning Commission or Zoning Administrator is the decision-maker for the Development Plan.
 - 1) The decision-maker shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the request.
 - 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
 - 3) The action of the review authority is final subject to appeal in compliance with Section 35-182 (Appeals).
57. When a Preliminary Development Plan has not been filed as provided in Section 35-174.2.3, the Final Development Plan shall be processed ~~according to~~ in compliance with Section 35-174.4 (Processing of Preliminary Development Plan).
8. **Coastal Development Permit processed in conjunction with a Final Development Plan.** The related Coastal Development Permit shall be processed in compliance with Section 35-169 (Coastal Development Permits) including the requirement that the decision-maker shall hold at least one noticed public hearing for the related Coastal Development Permit where the Final Development Plan includes development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

Sec. 35-174.7 Findings Required for Approval.

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4. ~~—A Preliminary or Final Development Plan application shall only be approved or conditionally approved only if the decision-maker first makes all of the following findings, are made as applicable:~~

1. Findings for all Preliminary or Final Development Plans.

- a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.
- b. That adverse impacts are mitigated to the maximum extent feasible.
- c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
- e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.
- g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.
- h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
- i. Additional findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

2. Additional findings for Final Development Plans that follow an approved Preliminary Development Plan. ~~A Final or Revised Final Development Plan that follows an approved Preliminary Development Plan shall only be approved or conditionally approved only if the decision-maker first makes all of the following additional finding is made:~~

~~a. Such plan~~The Final Development Plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan ~~except when the Planning Commission, Zoning Administrator or Director considers a Final Development Plan for which there is not a previously approved Preliminary Development Plan. In this case, the Planning Commission, Zoning Administrator or Director may consider the Final Development Plan as both a Preliminary and Final Development Plan.~~

- 1) If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the Preliminary Development Plan, then the Director shall refer the Final Development Plan to the decision-maker that approved the Preliminary Development Plan.

Sec. 35-174.8 Conditions, Restrictions, and Modifications. The existing language of this section is not revised.

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

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- 1. Coastal Development Permit required.** Prior to the commencement of the development and/or authorized use permitted by the Final Development Plan, a Coastal Development Permit authorizing such development and/or use shall be obtained.
- 2. Land Use Permit required.** Before the commencement of development and/or use allowed by a Final Development Plan a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).
 - a.** Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.
- 2. Time limit.**
 - 4a.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended for one year from the date the extension is granted by the Director, Zoning Administrator, or Planning Commission. The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.
 - 2b.** Except as provided in Section 35-174.9.3 below, Final Development Plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
 - 3c.** In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire 10 years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
 - 4d.** The limitation imposed by this section requiring time extensions to expire two years from the expiration date of the originally approved preliminary or final development plan shall not apply to applications for time extensions filed before July 18, 1996.

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

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

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1. **Substantial Conformity.** The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines.
 - a. No public noticing or public hearing shall be required for Substantial Conformity Determinations.
 - b. The action of the Director shall be final, and not appealable is final and not subject to appeal.
- A. ~~Coastal Development Permit shall be required, pursuant to the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Development Plan.~~
 - c. Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.
 1. **Coastal Development Permit required.**
 - a. Appealable development. If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.
 - b. Non-appealable development. If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Coastal Development Permit, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.
 - c. Findings. Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit finding required in Section 35-169 (Coastal Development Permits), shall be made by the review authority that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Final Development Plan.
 2. Land Use Permit required. If the development and/or use allowed by the Final Development Plan is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Substantial Conformity

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Determination. Prior to the approval of such Land Use Permit, an additional finding, in addition to Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the review authority that the development and/or use allowed by the Land Use Permit substantially conforms to the Final Development Plan.

2. Amendments.

Where a Final Development Plan is not in substantial conformity with the approved plan, the Director may approve, or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Final Development Plan, providing:

- a. The area of the proposed new development that is under review was 1) analyzed for potential environmental impacts and policy consistency as a part of the approved permit and an addendum to the previous environmental document could be prepared, or 2) was not analyzed in a previous environmental document and policy consistency was not considered as part of the approved permit, but the proposed new development could be found to be exempt from CEQA.
- b. All of the following additional findings can be made:
 - (1) In addition to the findings required for approval of a Final Development Plan set forth in this Sec. 35-174.7., the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved.
 - (2) The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-181 (Noticing). The Director may approve, conditionally approve, or deny the Amendment.
- d. Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Amendment.

1. Coastal Development Permit required.

- a. **Appealable development.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.
- b. **Non-appealable development.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Amendment, then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not

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appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.

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

...

3. Revisions.

- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings ~~set forth~~ cannot be made in compliance with Section 35-174.10.2 for Amendments ~~cannot be made~~ and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan ~~except as provided under Section 35-174.10.3-e below.~~
- ~~c. The Zoning Administrator may approve a Revision to a Development Plan approved pursuant to the Housing Element of the County of Santa Barbara as adopted in 1989 to reflect the 1993 Housing Element in place of affordable housing conditions imposed pursuant to the 1989 Housing Element. A Revision shall only be approved if the findings in Section 35-174.7 can be made. The Revision shall be confined to affordable housing requirements only. The provisions of this Section shall expire January 1, 1996. In order for a Revision to be approved under this provision, the Zoning Administrator shall find that the project has met all criteria listed below at the time of application submittal:~~
- ~~1) The project is for residential use.~~
 - ~~2) The project has permit conditions requiring affordable housing based on the previous Housing Element adopted in 1989.~~
 - ~~3) a) The project is located in a Housing Market Area (HMA) where the moderate income need is currently being provided by the unrestricted housing market as identified in the Housing Element Implementation Guidelines and the affordable units have not yet received occupancy clearance or the developer has not yet paid in-lieu fees at the time the revision is requested, depending on the original permit requirements; or,~~
~~b) The project is located in a HMA where there is a need for all levels of affordable housing as identified in the Housing Element Implementation Guidelines and the developer has not yet recorded an affordable housing agreement with the County or has not yet paid in-lieu fees at the time the revision is requested, depending on what the original permit conditions required.~~
 - ~~4) The project was not approved pursuant to a settlement agreement with the County.~~

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~~5) — The developer is not requesting any incentives as part of the Revision request.~~

Sec. 35-178. Land Use Permits.

Sec. 35-178.1 Purpose and Intent.

~~This section establishes procedures and findings for the issuance of Land Use Permits in cases where the County approves certain discretionary permits for new development, but the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Section 35-169.2.1.i or, (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission. In such cases, the Land Use Permit is the final permit required by the Planning and Development Department, following issuance of the Coastal Development Permit by the Coastal Commission. The intent of this section is to enable the Planning and Development Department to ensure that development proposals are in conformity with the provisions of this Article, the Coastal Land Use Plan, and applicable provisions of the Comprehensive plan.~~

1. Purpose. This Section establishes procedures and findings for the issuance of, and effective time periods for, Land Use Permits, where the County approves certain discretionary permits for new development and either the County or the Coastal Commission approves the Coastal Development Permit under the following circumstances:

a. Coastal Development Permits approved by the Coastal Commission. The Coastal Commission approves the Coastal Development Permit when the development is:

- 1) Located within the retained permit jurisdiction of the Coastal Commission; or
- 2) Located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

The approval of a Land Use Permit by the County is required following the approval of the Coastal Development Permit approved by the Coastal Commission.

b. Coastal Development Permits approved by the County. The County approves a Coastal Development Permit in conjunction with the approval of a Conditional Use Permit or Development Plan, provided the development is not subject to Section 35-178.1.a above. In these cases, the Land Use Permit is the final permit required by the Planning and Development Department to represent compliance with any conditions established by the County in the Conditional Use Permit or Development Plan, and does not have any effect on the associated Coastal Development Permit.

2. Intent. The intent of this Section is to ensure that development proposals are in compliance with the provisions of this Article, the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, and any conditions established by the County.

Sec. 35-178.2 Applicability.

~~A Land Use Permit shall be required for all development in the Coastal Zone for which the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Section 35-169.2 or (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission.~~

The provisions of this Section shall apply to all development and uses listed within this Article as requiring a Land Use Permit, including development and uses identified in Section 35-178.1 above.

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Sec. 35-178.3 Contents of the Application. The existing language of this section is not revised.

Sec. 35-178.4 Processing.

1. The Director shall review the Land Use Permit application for compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Land Use Permit.
2. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
3. A Land Use Permit ~~approved in compliance with this Section~~ shall not be issued ~~and deemed effective~~:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
 - c. ~~until~~ Until all necessary approvals, except building permits but including issuance of a Coastal Development Permit by the California Coastal Commission if required, have been obtained.
24. In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, ~~or final action by the Director, any subsequently required Land Use Permit shall not be approved or issued the Planning and Development Department shall not issue a Land Use Permit within 10 calendar days of following the date that the Planning Commission, or Zoning Administrator, or Director took final action, during which time an appeal may be filed according to~~ in compliance with Section 35-182 (Appeals).
35. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Land Use Permit shall not be ~~issued approved or conditionally approved~~ while the proceedings are pending on such rezoning or amendment, unless the proposed ~~buildings uses or structures would~~ will conform to the existing zoning ~~of such property~~ and existing provisions of this Article and ~~also to the said rezoning or amendment initiated by the Board of Supervisors or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution.~~

Sec. 35-178.5 Findings Required for Approval of a Land Use Permit.

A Land Use Permit shall be ~~issued approved or conditionally approved~~ only if the decision-maker first makes all of the following findings ~~are made~~:

1. ~~That the~~ The proposed development conforms:
 - a. ~~to~~ To the applicable policies and provisions of this Article, the Coastal Plan, and the Comprehensive Plan as applicable ~~the Comprehensive Plan, including the Coastal Land Use Plan and.~~
 - b. With the applicable provisions of this Article; or falls within the limited exception allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).
2. ~~That the~~ The proposed development is located on a legally created lot ~~as determined by the County Surveyor.~~

Suggested Modifications

LCP Amendment 2-06 (Noticing & Appeals Procedures)

3. ~~That the~~The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and ~~such any applicable zoning violation enforcement fees and processing fees as established from time to time by the Board of Supervisors~~ have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures ~~under Section 35-169 of~~ see in compliance with Division 10 (Nonconforming Structures and Uses).

Sec. 35-178.6 *Expiration. The existing language of this section is not revised.*

Sec. 35-178.7 *Revocations. The existing language of this section is not revised.*

ATTACHMENT B

**Board of Supervisors Resolution
Santa Barbara Local Coastal Program Amendment 2-06 (Noticing & Appeals)**

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

IN THE MATTER OF APPROVING AN AMENDMENT)	
TO THE SANTA BARBARA COUNTY LOCAL)	RESOLUTION NO. 08-_____
COASTAL PROGRAM TO AMEND THE COASTAL)	
ZONING ORDINANCE, ARTICLE II OF CHAPTER 35)	County Case Nos.:
OF THE SANTA BARBARA COUNTY CODE, TO)	05ORD-00000-00016
ADOPT ORDINANCE AMENDMENTS AS)	05ORD-00000-00019
MODIFIED BY THE CALIFORNIA COASTAL)	
COMMISSION)	
_____)	

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on January 24, 2006, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the County Code, to implement new noticing procedures(Ordinance No. 4594, Case No. 05ORD-00000-00016); and
- B. Whereas on January 24, 2006, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the County Code, to implement new appeal procedures (Ordinance No. 4595, Case No. 05ORD-00000-00019); and
- C. Whereas on January 24, 2006, the Board of Supervisors of the County of Santa Barbara, by Resolution Nos.06-026 and 06-027, submitted these amendments for consideration and certification to the California Coastal Commission; and
- D. Whereas on November 14, 2007, the California Coastal Commission approved resolutions of certification with suggested modifications for these amendments to County's Local Coastal Program (Coastal Commission Case No. STB-MAJ-2-06); and
- E. Whereas the Board of Supervisors finds the suggested modifications to be acceptable;

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors acknowledges receipt of the Coastal Commission's resolutions of certification with suggested modifications and accepts and agrees to those modifications through amendment of the Coastal Land Use Plan and Implementation Program (Coastal Zoning Ordinance) as required in Section 13544(a) of the Commission's Administrative Regulations, and agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program consistent with the modifications of Ordinance No. 4594 and Ordinance No. 4595 as certified by the Coastal Commission.

3. The Board of Supervisors will submit this acknowledgment to the California Coastal Commission to demonstrate satisfaction of the specific requirement of the Commission's certification order, pursuant to Section 13544(b) of the Commission's Administrative Regulations.
4. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this resolution to reflect the above mentioned 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 15th day of January, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

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:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ATTACHMENT C

**Board of Supervisors Letter to the Executive Director of the California Coastal Commission
Santa Barbara Local Coastal Program Amendment 2-06 (Noticing & Appeals)**

January 15, 2008

Peter Douglas, Executive Director
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001

Dear Mr. Douglas:

On behalf of Santa Barbara County, the Board of Supervisors has executed the attached resolution to accept your Commission's certification of the County's amendments to its certified Local Coastal Program, Amendment STB-MAJ-2-06 (Noticing & Appeals).

Thank you for your cooperation on this project. Please contact Noel Langle (805.568.2067) in the Planning and Development Department if you have any questions.

Sincerely,

Salud Carbajal, Chair
Board of Supervisors