

ORDINANCE

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT THE TORO CANYON PLAN BY ADDING A NEW MT-TORO (MOUNTAINOUS AREA- TORO CANYON PLAN) DISTRICT TO DIVISION 4 (ZONING DISTRICTS), AMENDING DIVISION 10 (NONCONFORMING STRUCTURES AND USES), AND ADDING A NEW DIVISION 16 (TCP- TORO CANYON PLAN OVERLAY)

CASE NO. 00-OA-005

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

SECTION 1:

1. DIVISION 4 (ZONING DISTRICTS) is hereby amended to add the following text:

Sec. 35-94. MT-TORO Mountainous Area- Toro Canyon Planning Area.

Sec. 35-94.1. Purpose and Intent.

The purpose of this district is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

1. Slopes in excess of 40 percent.
2. Valleys surrounded by slopes exceeding 40 percent.
3. Isolated table land surrounded by slopes exceeding 40 percent.
4. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as watershed protection, scientific and educational study, and limited residential uses.

Sec. 35-94.2. Processing.

No permits for development, including grading, shall be issued except in conformance with Section 35-169 (Coastal Development).

Sec. 35-94.3. Permitted Uses.

1. One single-family dwelling per legal lot.

2. One guest house subject to the provisions of Sec. 35-120 (General Regulations).
3. The non-commercial keeping of animals and poultry.
4. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
5. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
6. Accessory uses, buildings and structures that are customarily incidental to the above uses.

Sec. 35-94.4. Uses Permitted with a Major Conditional Use Permit.

1. Low intensity recreational uses such as summer camps, public riding stables, and hunting clubs.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.
3. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities, etc.
4. Resource dependent uses such as mining and quarrying.
5. Onshore oil development, including exploratory and production wells, pipelines, separation facilities, and their accessory uses, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
6. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-94.5. Uses Permitted with a Minor Conditional Use Permit.

1. Artist's studio.
2. New cultivated agriculture, vineyard or orchard use, when there is not evidence showing that it is a permitted or legal non-conforming use within the previous ten-year period.
3. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-94.6. Findings Required for Conditional Use Permit.

In addition to the findings required for approval of a Conditional Use Permit in Sec. 35-172, no Conditional Use Permit shall be approved unless all of the following findings are made by the appropriate decision-maker:

1. The project does not require extensive alteration of the topography.
2. The project does not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

Sec. 35-94.7. Minimum Application Submittal Requirements for Conditional Use Permit.

In addition to the contents of the application required for Conditional Use Permits under Section 35-172.6, no application shall be accepted for processing unless accompanied by the following submittals:

1. A topographic map showing existing slopes, water courses, and types of vegetation on the property.
2. The location and specifications of all existing and proposed roads, terraces, and structures.
3. Application for new or expanded cultivation, orchard, or vineyard use shall include a Conservation/Grading Plan that:
 - a. is reviewed and approved by the Resource Conservation District and meets all essential specifications as determined by the Soil Conservation Service.
 - b. shows areas of 40% or greater slopes.
 - c. contains a crop production and cultivation plan for all agricultural operations to be conducted on the site, a description of mechanized equipment to be used; and for orchards and vineyards, a post-approval monitoring program.

Sec. 35-94.8. Minimum Lot Size.

Each lot shall have a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

<u>Zoning Symbol</u>	<u>Minimum Lot Size</u>
MT-TORO-40	40 acres
MT-TORO –100	100 acres
MT-TORO –320	320 acres

A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.

Sec. 35-94.9. Setbacks for Buildings and Structures.

Fifty (50) feet from the centerline of any street and twenty (20) feet from the lot lines of the lot of which the building or structure is located.

Sec. 35-94.10. Height Limit.

No building or structure shall exceed a height of twenty-five (25) feet.

Sec. 35-94.11. Minimum Distance Required Between Buildings on the Same Building Site.

Five (5) feet.

Sec. 35-94.12. Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

SECTION 2: Section 35-162.2.d of DIVISION 10 (NONCONFORMING STRUCTURES AND USES) is hereby amended to read as follows:

d. Notwithstanding the above, additional provisions exist in Section 35-214 of Division 15 (Montecito Community Plan Overlay District) for parcels identified within the MON Overlay zone, and in Section 35-194 of Division 16 (Toro Canyon Plan Overlay District) for parcels identified within the TCP Overlay zone, which, in the case of conflict, shall take precedence over this Section.

SECTION 3: DIVISION 16, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, of Article II of Chapter 35 of the Santa Barbara County Code is hereby added as follows:

Sec. 35-194. General

The provisions of this Division implement portions of Toro Canyon Plan components of the County's Local Coastal Plan and serve to carry out certain policies of this Community Plan. The provisions of this Division are in addition to the other provisions of this Article. Where provisions of this Division conflict with other provisions of this Article, the specific provisions of this Division shall take precedence.

Sec. 35-194.1 Applicability

The provisions of this section apply to the Toro Canyon Plan Area as defined by the "Toro Canyon Plan Land Use Map." All provisions of the Toro Canyon Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all applicable goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the TORO Overlay District.

Sec. 35-194.2 C-1 Zone District

1. All uses listed in the C-1 Zone District of this article shall be allowed in the C-1 Zone District of Toro Canyon except:

- Any single family residence where there is no commercial use;

- Lodges shall only be allowed with a major conditional use permit, rather than as a permitted use;
- Residential structures and general practitioner's/professional offices only as secondary to a primary commercial retail use. Retail uses shall be located in the more prominent locations of buildings such as on first floors fronting on pedestrian pathways, and/or where ocean views are available. Residential and professional office uses should be located on second floor but if on the first floor, then not on the street-facing part of the building. Office uses shall be in less prominent locations than retail uses on the same site;
- Seafood processing and video arcades shall be allowed only as secondary uses to a primary use such as a restaurant and only when conducted entirely within an enclosed building.

2. "Western Seaside Vernacular Commercial" is defined as follows.

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.

Orientation and Massing

Low massing
 Little or no set-back from sidewalk edge

Doors

Simple wood
 Simple wood and glass
 Simple French doors

Roofs

Flat
 Pitched gable roofs, but not gambrel or mansard roofs

Siding

Board and batten
 Beveled tongue and groove
 Clapboard
 Shingles

Roof Materials

Composition
 Wood shingles, subject to the allowances and limitations of the County Building Code
 Shingles made to resemble wood or slate

Colors

Weathered wood
 Whitewash
 Neutrals
 Weathered colors

Windows

"Picture"
 Horizontally oriented multi-paned
 Multi-paned with wood sash and frames
 Wood framed

Sec. 35-194.3 Findings

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

Sec. 35-194.4 Nonconforming Structures and Uses

1. Nonconforming residential structures damaged or destroyed by calamity: Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “residential structure” shall mean primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

2. Residential structures that are nonconforming solely due to the Toro Canyon Plan: Any residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “residential structure” shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

3. Expansion of nonconforming residential structures located within Environmentally Sensitive Habitat (ESH) buffer areas: Any residential structure that is nonconforming solely due to its location within an ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with DevStds BIO-TC-5.1 and BIO-TC-5.3 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, “residential structure” shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator.

4. Nonconforming agricultural support structures other than greenhouse development: Any nonconforming agricultural support structure, other than “greenhouse development” as defined in the Carpinteria Agricultural (CA) Overlay, that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure, other than “greenhouse development” as defined in the CA Overlay, that is essential to the support of agricultural production on agriculturally-zoned property. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article. Nonconforming “greenhouse development” as defined in the CA Overlay shall be subject to the provisions of the CA Overlay.

5. Agricultural support structures that are nonconforming solely due to the Toro Canyon Plan: Any agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and

Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

6. Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat (ESH) areas or ESH buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an ESH area or ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with Development Standards BIO-TC-5.1 and BIO-TC-5.3 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property.
7. Nonconforming nonresidential structures: Any nonconforming nonresidential structure that is damaged or destroyed to an extent of seventy-five percent (75%) or more of its replacement cost at the time of damage by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed, provided that such reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. In addition, any nonconforming nonresidential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot may be repaired or reconstructed, provided that such repair or reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. Such a structure may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that:
 - i. The Zoning Administrator finds that the public health and safety will not be jeopardized in any way by such reconstruction or structural repair; and
 - ii. The Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship that would be suffered by the owner(s) of the structure should reconstruction or structural repair of the nonconforming structure be denied.

Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of damage or destruction, or the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

8. Expansion of certain nonconforming structures located within front, rear, or side yard setback areas:
Any structure that is nonconforming solely due to its location within a front, rear, or side yard setback area, due to any increase in such setback area that resulted from a change of zoning adopted with the Toro Canyon Plan, may be enlarged or expanded in a manner that does not further encroach into any such setback area and that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.
9. Nonconforming uses: The replacement or re-establishment of nonconforming uses is subject to the regulations of the Toro Canyon Plan and this Article only to the extent that some type of permit may be required by this Article. Any such permit may be approved only in conformance with the regulations of the Toro Canyon Plan and this Article.

Sec. 35-194.5 Architectural Review Standards

1. Residential structures shall not exceed a height of 25' unless further restricted by other sections of the Zoning Ordinances (such as the Ridgeline and Hillside Development Guidelines).
2. Notice of a project's initial BAR hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the BAR hearing, using for this purpose the name and address of such owners and occupants as shown on the current Assessor's tax rolls of the County of Santa Barbara.
3. The following criteria shall be applied for the approval of any non-agricultural structure(s) by Planning and Development (P&D) and the Board of Architectural Review (BAR).
 - A. Where height exemptions under Ridgeline and Hillside Development Guidelines are allowed for rural properties, BAR minutes and the P&D project file shall include a written discussion of how the project meets the applicable exemption criteria.
 - B. Large understories and exposed retaining walls shall be minimized.
 - C. Building rake and ridgeline shall conform to or reflect the surrounding terrain.
 - D. Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.
 - E. The exterior surfaces of structures, including water tanks, walls and fences, shall be non-reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non-reflective.
 - F. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
 - G. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.

- H. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure 35-194.1 Examples A and D) or the natural toe of the lowest cut slope (see Figure 35-194.1 Examples B and C) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed sixteen (16) vertical feet.
- I. The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure 35-194.1.)

Upon recommendation by BAR, P&D may grant exemptions to criteria H and I if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design and 3) minimizes visual or aesthetic impacts.

SECTION 4: Except as amended by this ordinance, Division 4 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5: This ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, or a summary of it, shall be published once, together with the names of the members of the Planning Commission voting for and against the same in the SANTA BARBARA NEWS PRESS, a newspaper of general circulation in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25th day of February, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GAIL MARSHALL
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