

**ATTACHMENT 3**

**EXHIBIT A**

**ARTICLE II AMENDMENT  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE MODIFYING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1 TO INCLUDE A NEW CARPINTERIA AGRICULTURAL OVERLAY DISTRICT (CA OVERLAY DISTRICT); DIVISION 2 TO ADD DEFINITIONS FOR GREENHOUSES AND GREENHOUSE RELATED DEVELOPMENT; AMEND DIVISION 4 TO DIRECT PROCESSING OF GREENHOUSE DEVELOPMENT IN THE CARPINTERIA VALLEY TO THE CARPINTERIA AGRICULTURAL OVERLAY DISTRICT; AMEND DIVISION 5 TO ADD NEW CARPINTERIA AGRICULTURAL OVERLAY DISTRICT (CA OVERLAY DISTRICT); AMEND DIVISION 10 TO ALLOW RECONSTRUCTION OF NONCONFORMING GREENHOUSE STRUCTURES IN THE CA OVERLAY DISTRICT. AMEND DIVISION 11 TO ALLOW SHADE STRUCTURES 20,000 SQUARE FEET AND GREATER WITH ISSUANCE OF A COASTAL DEVELOPMENT PERMIT.

Case Number 99-OA-005

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

**SECTION 1:**

DIVISION 1, Section 35-53. Overlay District Designations and Applicability, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new overlay district as follows:

CA                      Carpinteria Agricultural Overlay District

**SECTION 2:**

DIVISION 2, Section 35-58. Definitions, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add new definitions as follows:

GREENHOUSE: A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) used for cultivation and to shade or protect plants from climatic variations. Hothouses are included in this definition.

GREENHOUSE RELATED DEVELOPMENT: Permanent development associated with and accessory to greenhouses, shade structures and hoop structures. Such development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g. boiler rooms, storage sheds, etc.).

SHADE STRUCTURE: A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.

HOOP STRUCTURE: A structure consisting of a light-weight, arched frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

### SECTION 3:

DIVISION 4, Section 35-68. AG-I Agriculture I, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to read as follows:

#### **Sec. 35-68. AG-I Agriculture I**

##### ***Sec. 35-68.3.5. Permitted Uses***

5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Sec. 35-174. (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Sec. 35-102E.) shall apply.

### SECTION 4:

DIVISION 5. OVERLAY DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add the following text:

**Sec. 35-102E. CA Carpinteria Agricultural Overlay District.**

**Sec. 35-102E.1. Purpose and Intent.**

The purpose of this overlay district is to designate geographic areas of AG-I zoned lands in the Carpinteria Valley appropriate to support future greenhouse development and to designate areas appropriate for the preservation of open field agricultural uses. The intent is to ensure well-designed greenhouse development and to limit the loss of open field agricultural areas from piecemeal greenhouse expansion by providing well-crafted development standards that protect the water quality, visual resources, and rural character of the Carpinteria Valley.

**Sec. 35-102E.2. Applicability and District Boundaries.**

The provisions of this overlay district that apply to greenhouses shall also apply to shade structures and hoop structures unless expressly stated otherwise. The provisions of this overlay district shall apply to AG-I zoned lands in the coastal zone of the Carpinteria Valley. The Carpinteria Agricultural Overlay District identifies areas where future development of greenhouses shall be regulated in accordance with this overlay district.

Area A allows future expansion of greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures, on AG-I zoned lands as identified by the Carpinteria Agricultural Overlay District map, subject to the provisions of this overlay district. Area A is generally located south of Highway 192, east of Nidever Road and west of Linden Avenue.

Area B allows new greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures subject to the provisions of this overlay. Area B encompasses the remainder of AG-I zoned lands in the Carpinteria Valley as identified by the Carpinteria Agricultural Overlay District map.

**Sec. 35-102E.3. Effect of the CA Overlay District.**

Within the CA Overlay District, all uses of land shall comply with regulations of the base zone district (AG-I). In Areas A and B legally permitted greenhouses, greenhouse related development, packing and shipping facilities, shade structures and hoop structures existing on the effective date of ordinance adoption will be considered conforming uses. New or altered greenhouses and greenhouse related development, packing and shipping facilities, shade structures and hoop structures in the Carpinteria Valley must comply with the regulations of this CA Overlay District before the issuance of

a coastal development permit under Sec. 35-169. If any of the provisions of this overlay district conflict with the provisions of base zoning district regulations, the provisions that are most restrictive shall govern.

**Sec. 35-102E.4. Development Cap for Greenhouses and Greenhouse Related Development.**

Within Area A of the CA Overlay District, no more than 2.75 million square feet of new greenhouses, greenhouse related development, packing and shipping facilities, and hoop structures may occur after the date of adoption of this overlay district. For the purpose of calculating this development cap, all greenhouses, packing and shipping facilities, hoop structures, and greenhouse related development (including associated paved parking and driveways, and associated accessory structures [e.g. boiler rooms, storage sheds, etc.]) shall be included. Shade structures shall not be calculated towards the cap. Structures that are legalized during the amnesty period (Sec. 35-102E.7.2) shall not be calculated towards the development cap.

**Sec. 35-102E.5. Processing.**

1. The following types of development shall require a Coastal Development Permit (Sec. 35-169):
  - a. Development of new greenhouses, greenhouse related development, packing and shipping facilities, additions or alterations to existing greenhouses or related development, and conversions of shade or hoop structures to greenhouses, where the cumulative lot coverage is less than 20,000 square feet (see section 35-102E.5.3 for additional requirements for packing and shipping facilities) .
  - b. Development of new hoop structures greater than 500 square feet, where the cumulative lot coverage is less than 20,000 square feet. Hoop structures greater than 5,000 sq. ft. in area shall be subject to Flood Control District review to mitigate potential drainage and erosion impacts.
  - c. Development of new shade structures greater than 500 square feet and not to exceed 25% net lot coverage.
  - d. Minor alterations or additions to an existing greenhouse, packing and shipping facility, or related development, including retrofits of aging structures, if such alterations and additions meet the requirements of this overlay district and all of the following applicable criteria:
    - i. The existing structure(s) shall be legally permitted.

- ii. Alterations shall not conflict with project conditions of approval for the existing structure.
  - iii. Alterations to existing structures shall not reduce the effectiveness of existing landscape screening, result in the removal of specimen trees, or disrupt environmentally sensitive areas.
  - iv. Alterations shall incorporate the applicable development standards set forth in Sec. 35-102E.9.
  - v. Additions shall not result in a cumulative lot coverage of 20,000 square feet or more, or in an increase of 1,000 square feet or 5% of building coverage of all existing structures, whichever is less.
2. The following types of development shall require a Development Plan (Sec. 35-174) and a Coastal Development Permit (Sec. 35-169):
- a. In Area A, development of new greenhouses, greenhouse related development, packing and shipping facilities, additions or alterations to existing greenhouses or greenhouse related development, and conversions of shade or hoop structures to greenhouses, where the cumulative lot coverage would total 20,000 square feet or more (see Section 35-102E.5.3 for additional requirements for packing and shipping facilities).
  - b. In Area A, development of new hoop structures, where the cumulative lot coverage would total 20,000 square feet or more.
3. Packing and shipping facilities, other than the following, shall require a Minor Conditional Use Permit (Sec. 35-172). Packing and shipping facilities of less than 5,000 square feet may be processed by a Coastal Development Permit only, provided there are no existing greenhouses or greenhouse related development on the lot.

**Sec. 35-102E.6. Submittal Requirements**

1. In addition to the application requirements of Sec. 35-169, applications for a coastal development permit for any greenhouse, greenhouse related development, packing and shipping facilities, and/or shade or hoop structure in the CA Overlay District shall include:
  - a. A complete listing of the types and quantities of chemicals (fertilizers, salts, corrosion inhibitors, etc.) that are expected to be used in the greenhouse operation.
  - b. A statement of cultivation method.

- c. A map (US Geologic Survey 7-1/2 minute series topographic map) showing the location of water wells within 1/2 mile radius of the proposed project and the location of any surface waters or drainage ways within 1/2 mile of the project site.
- d. Soil types present within the proposed building location, and total amount of grading (cut and fill).
- e. A description of the proposed domestic waste disposal system. Percolation tests shall be required for new septic systems. For existing septic systems that are a part of the project description, a certification from a qualified inspector demonstrating that the system is adequate to serve existing and proposed uses.
- f. A plot plan depicting building footprints, driveways/access roads, parking, loading docks, retention basin, finished building elevations and roof panel orientation. Building and drainage plans shall be submitted to Flood Control District for review.
- g. A landscape plan to consist of the components listed in Sec. 35-102E.9.

2. In addition to the application requirements in item 1 above and Sec. 35-174 (Development Plans), applications for a development plan or conditional use permit for any greenhouse, greenhouse related development, packing and shipping facilities, and/or hoop structure in the CA Overlay District shall include the items below. These items may not be required for a new shade structure with no other greenhouse development on site.

- a. A water quality management plan to consist of the components listed in Sec. 35-102E.9.
- b. A Traffic Management Plan to consist of the components listed in Sec. 35-102E.9.

**Sec. 35-102E.7. Conforming and Nonconforming Structures**

1. As of the effective date of ordinance adoption, all existing greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development in both Areas A and B are considered conforming structures, provided such structures were legally approved and constructed and are consistent with the provisions set forth in this overlay district. Structures that were legally approved and constructed but are not consistent with the provisions set forth in this overlay district are considered nonconforming structures. In Area B, greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development of 20,000 square feet or more, and legally approved and constructed prior to date of adoption of this ordinance, are considered conforming structures if they meet all other requirements of this

overlay district. Greenhouses and related structures that do not conform to the provisions of this overlay district, but are otherwise conforming uses (i.e. legally permitted as of the effective date of ordinance adoption), shall be subject to the provisions contained in Division 10. Sec. 35-162 (Nonconforming Buildings and Structures).

2. Amnesty Period for Existing Unpermitted Structures.

Existing unpermitted greenhouses, packing and shipping facilities, shade and hoop structures and greenhouse related development, which were constructed prior to April 22, 1999, may be legalized through application for a development permit if such structures conform to the provisions set forth in this overlay district. Application for such permits must be made on or before two years after the effective date of this ordinance. Structures that are legalized during the amnesty period shall not be counted towards the development cap (Sec. 35-102E.4)

**Sec. 35-102E.8. General Requirements**

1. Lot Coverage

Lot coverage shall be calculated to include all greenhouses, shade and hoop structures, packing and shipping facilities, and greenhouse related development, including accessory buildings, and associated paved driveways and parking areas.

a. For parcels identified as view corridor parcels on the Carpinteria Agricultural Overlay District map, lot coverage shall not exceed 25% net lot coverage. Development shall be clustered adjacent to existing greenhouse development to the greatest extent feasible.

2. Height

a. The maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than thirty (30) feet above finished grade. The maximum absolute height of any shade structure or hoop structure shall be no greater than twelve (12) feet above natural grade.

b. Within view corridors the maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than twenty-five (25) feet above finished grade.

3. Setbacks

The following setbacks for greenhouses, packing and shipping facilities, shade and hoop structures, and related structures shall apply:

- a. Front: Seventy-five (75) feet from the right of way line of any street. For parcels within identified view corridors, the front setback shall be at least two hundred fifty (250) feet from right of way.
- b. Side and Rear: Thirty (30) feet from the lot lines on which the building or structure is located.
- c. Interior Lot: Twenty (20) feet from the lot lines on which the building or structure is located.
- d. One hundred (100) feet from a residentially-zoned lot or fifty (50) feet from an adjacent parcel where there is an approved residential dwelling located within fifty (50) feet of the parcel boundary.
- e. One hundred (100) feet from top-of-bank or edge of riparian habitat of natural creek channels, whichever is greater.

**Sec. 35-102E.9. Development Standards for Greenhouses and Related Development.**

A. Prior to approval of a coastal development permit for any greenhouse, related development, packing and shipping facility, shade or hoop structure, within the CA Overlay District, the proposed development shall meet the following development standards where applicable.

1. A landscaping plan shall be required which provides, to the maximum extent feasible, visual screening of all structures and parking areas from all adjacent public roads and view corridors. The landscape plan shall include the following:
  - a. The landscaping plan shall consist of plants which will reasonably screen the development within 5 years and which are compatible with the surrounding visual character of the area.
  - b. Landscaping within front setbacks shall gradually increase in height away from public roadways. Solid wall fencing shall not be relied upon as a primary means of screening. Solid wall or dark chain-link security fencing shall be screened from public view corridors by dense landscaping and/or covered with attractive climbing vines.
  - c. Where structures are proposed in existing orchards or adjacent to wind rows, perimeter trees shall be preserved to the maximum extent feasible in order to provide visual screening along adjacent public roadways. Remnant orchard trees shall be maintained in good condition to ensure that trees do not become hosts for pests or diseases.

Landscaping shall be maintained for the life of the project. The applicant shall post a performance security to ensure that landscaping provides adequate screening within five (5)



years. If landscaping is removed or substantially altered, a revised landscape plan shall be submitted to P&D for substantial conformity review with the original conditions of approval and replacement landscaping shall be installed and maintained.

2. Unless otherwise exempted by the Flood Control District, all new greenhouse development and packing and shipping facilities, shall be required to mitigate for increased storm water runoff from development of the project site. Post-development runoff shall not exceed 75% of the calculated pre-development runoff for 5-100 year events. Where required, retention basins and other storm water drainage facilities shall be designed in conformance with the Flood Control District standards.
3. Where wastewater flows from new greenhouse development and packing and shipping facilities, are proposed to be disposed through private septic system, adequate undeveloped area shall be maintained to accommodate the septic system components, including 100% expansion areas, and required setbacks from buildings, property lines, wells, storm water retention facilities, streams, etc. No development shall be placed above the septic system components.
4. Compost, fertilizer and pesticides shall be stored in a manner that minimizes generation of leachate. Leachate controls include covering compost piles and fertilizer storage with a roof and locating storage areas outside of the 100-year flood plain. Uncovered storage areas shall be located at least 250 feet from a waterway (i.e., storm drain, creek, salt marsh or ocean) unless it can be demonstrated that no adverse effect on water quality will result. Should any discharge occur that could impair the water quality of the receiving body, then a discharge permit will be required from the Regional Water Quality Control Board.
5. The Carpinteria-Summerland Fire Protection District shall review and approve storage areas for pesticides, herbicides and fertilizers. Storage areas shall be designed with the following mandatory components, and or other requirements deemed necessary by the District:
  - a. A low berm shall be designated around the interior floor to prevent migration of materials in the event of a spill. Any spilled material shall be disposed of in accordance with Carpinteria-Summerland Fire Protection District requirements.
  - b. The floor shall be a concrete slab.
  - c. The berm shall be designed to provide 100% containment of any stored liquids.
  - d. In the event that storage, handling or use of hazardous materials within the provisions of AB 2185/2187 occurs on site, the applicant shall implement a Hazardous Materials Business Plan (HMBP).
6. High saline brines shall not be discharged to the storm drain or allowed to percolate into the groundwater unless it can be demonstrated that no adverse effect on water quality will result. Waste brine shall be contained and disposed of in accordance with federal, state, county and local regulations and requirements. Should any discharge occur that could impair the water quality of the receiving body, then a discharge permit will be required from the Regional Water Quality Control Board.

7. Exterior lighting shall be for specific safety purposes only and shall be hooded/shielded to minimize the spread of light off-site and to minimize impacts to the rural nighttime character.
8. To the extent feasible, new greenhouse development and packing and shipping facilities shall be oriented with the roof axis aligned from north to south to reduce glare impacts.
9. To the maximum extent feasible, hardscaped areas (i.e., parking lots, driveways, loading bays, interior walkways in greenhouses, packing and shipping facilities, and accessory building footprints) shall be minimized in order to preserve the maximum amount of agricultural soils. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of permeable surfaces wherever feasible.
10. To the maximum extent feasible, vegetative cover shall be provided in areas of non- structural development to encourage storm water infiltration and reduce runoff from hardscaped areas. The use of open field crops should be encouraged to keep non-greenhouse areas in production.
11. Stationary construction equipment that could generate noise exceeding 65 dB(A) CNEL at property boundaries shall be shielded to County P&D's satisfaction and, where feasible, shall be located a minimum of two hundred (200) feet from sensitive receptors.
12. Industrial fans and heaters for all greenhouses, greenhouse related development and packing and shipping facilities shall be designed such that external sound levels do not exceed 65 dB(A) CNEL at the property line. Such equipment shall not be located on greenhouse walls that face adjacent existing residences. To ensure that this maximum sound level is not exceeded, acoustical analyses shall be conducted prior to zoning clearance or at the time of discretionary approval of individual greenhouses, related development, and packing and shipping facilities, and follow-up noise monitoring shall be conducted at least twice during the first year of operation. If noise levels from equipment are found to exceed 65 dB(A) CNEL at the property line, adjustments shall be made to ensure compliance with this requirement.
13. Noise associated with paging and/or broadcasting of music over speakers within greenhouses, related structures and packing and shipping facilities structures shall be limited to levels that are not audible at the property line.
14. Packing and distribution facilities shall be subject to BAR review. The size, height, design, and appearance shall be compatible with the rural character of the area.
15. To the maximum extent feasible, packing and distribution facilities, loading docks, and delivery bays shall be centrally located within individual greenhouse operations. When packing and distribution facilities are centrally located, the driveway to reach such a facility shall not be counted toward the CA Overlay development cap. Idling of trucks shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. A minimum 100-foot setback shall be maintained between loading/unloading areas, driveways and parking areas and adjacent residential properties unless it can be determined that shielding or other measures can provide sufficient attenuation to reduce noise at the property line to less than 65 dB(A) CNEL.

16. All new or retrofit greenhouse or plant protection structures shall include a mechanized blackout screen system within growing areas to prevent interior night lighting from being visible outside the structure. If the applicant does not intend to use night lighting, the project description for individual greenhouse projects shall clearly state that night lighting within growing areas shall not occur.
17. All boilers, steam generators and process heaters proposed at new or expanded greenhouse operations shall utilize low-NOx burners.
- B. In addition to the development standard requirements in Section 35-102E.9.A. above, applications for a development plan or conditional use permit for any greenhouse, greenhouse related development, packing and shipping facility, and/or hoop structure in the CA Overlay District shall meet the following development standards where applicable.
18. The Traffic Management Plan shall consist of the following components:
  - a. A focused traffic analysis that identifies truck size and the number of new peak hour trips the project will send to the Santa Monica/Via Real/U.S. Highway 101 northbound ramp interchange and the Linden Avenue/U.S. Highway 101 southbound ramp interchange.
  - b. Preferred truck routes, with specific information given to drivers prior to entering the Carpinteria Valley.
  - c. Information regarding approach and exit speeds, turning movements, hours of delivery, etc.
  - d. Driveway access design shall ensure compliance with state and county sight distance requirements and safely accommodate truck maneuvers. Driveway access improvements shall not inhibit or diminish the effectiveness of required landscape mitigation. To the maximum extent feasible, the design and scale shall be consistent with the rural character of the area.
  - e. Truck deliveries and employee parking shall be accommodated on site.
19. New greenhouses, greenhouse related development and packing and shipping facilities contributing peak hour trips to the Santa Monica/Via Real/U.S. 101 northbound interchange and the Linden Avenue/U.S. 101 southbound off-ramp interchange shall pay a pro-rata contribution towards future interchange improvements.
20. Applicants shall prepare a Water Quality Management Plan for review and approval by Planning and Development and consultation by Environmental Health and Safety, the Regional Water Quality Control Board and the Carpinteria Valley Water District. The Water Quality Management Plan shall consist of the following components:
  - a. A flow diagram of the proposed water system to be used, including average and maximum daily flows.

- b. The mapped location of all existing and proposed surface and sub-surface drainage facilities.
- c. Information on water and nutrient delivery systems.
- d. Pesticide Best Management Practices as defined and required by the County Agricultural Commissioner.
- e. The location and type of treatment and disposal facilities for irrigation, washwater, boiler blowdown, water softener regeneration brines, and retention basins.
- f. Best Management Practices (BMPs), including but not limited to the following:
  - i) Use of water systems that minimize surface water transport (i.e., trickle, drip, mist, hydroponic irrigation systems).
  - ii) Use of water and nutrient recycling technologies.
  - iii) Employment of fertilization methods that maximize the efficiency of nutrient delivery and uptake such as controlled-release fertilizers (CRF) or liquid fertilizer (LF).
  - iv) Implementation of Integrated Pest Management techniques.

Should any discharge occur that could impair the water quality of the receiving body, then a discharge permit will be required from the Regional Water Quality Control Board.

- 21. Irrigation Water Detention System: If deemed necessary by Planning and Development, in consultation with the Regional Water Quality Control Board, to further reduce potential water quality impacts, all excess surface irrigation process water shall be collected and routed to a sealed bottom, irrigation water detention basin. The detention basin shall function as a water bank during low rainfall periods (i.e. May to November) for water conservation and reuse. The irrigation water detention basin shall be separate from and not connected to any required flood control retention basin. The irrigation water detention basin shall be designed in accordance with Santa Barbara County Flood Control and Water Conservation District requirements.
- 22. Applicants shall reimburse the Carpinteria Valley Water District (CVWD) for costs related to additional groundwater testing and reporting as deemed necessary by CVWD, pursuant to adopted criteria, to monitor nitrate loading of groundwater caused by applicant's development. Said costs may also include those caused by the installation of monitoring wells deemed necessary by CVWD. All monitoring data and reports prepared by CVWD shall be submitted as public record to the CVWD Board of Directors and the County Planning & Development Department. Nitrate loading found to be in excess of District standards, as a result of the groundwater testing by CVWD, shall cause a subsequent review of the greenhouse facility and operations by CVWD, in consultation with Planning & Development. All subsequent review costs shall be paid for by the applicant.

**Sec. 35-102E.10. Expiration**

**A. Permit Requirements**

The CA Overlay District shade structure permit requirements are to be implemented on a temporary basis limited to five years from the date of adoption of the CA Overlay District. Within five years of adoption of the CA Overlay District, Planning and Development shall prepare and present a report to the Planning Commission and the Board of Supervisors for the consideration of the effects of the shade structure permit requirements and the public's participation in the program. The Board of Supervisors may consider modification, extension, or repeal of the existing CA Overlay District shade structure permit requirements. Prior to Planning and Development's report to the Planning Commission, the Agricultural Advisory Committee (AAC) may review the report and provide their recommendation to the Planning Commission and the Board of Supervisors.

**SECTION 5:**

DIVISION 10, Section 35-162. Nonconforming Buildings and Structures, of Article II of the Santa Barbara County Code is hereby amended to read as follows:

**Sec. 35-162. Nonconforming Buildings and Structures**

**Sec. 35-162.2.**

- a. Except for single family residential buildings or structures and greenhouses, packing and shipping facilities, shade and hoop structures, and greenhouse related development in the CA Carpinteria Agricultural Overlay District, where a nonconforming building or structure is damaged by fire, flood, earthquake, or other natural disaster to an extent of seventy-five (75) percent or more of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may not be reconstructed unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the structure should reconstruction of the nonconforming structure be denied.
  
- e. Where damage to a nonconforming greenhouse, packing and shipping facility, shade and hoop structure, or greenhouse related structure in the Carpinteria Agricultural Overlay District, by fire, flood, earthquake, or other natural disaster, is to an extent of seventy-five (75) percent or

more, such structure may be reconstructed in accordance with the provisions of Sec. 35.102E (CA), thereby becoming a conforming structure.

- f. The restoration permitted above shall commence within twenty-four (24) months of the time of damage and be diligently carried to completion. If the restoration of such building or structure does not commence within twenty-four (24) months it shall not be restored except in conformity with the applicable zone district regulations and other provisions of this Article.
- g. The restoration of a nonconforming building or structure that is damaged by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building or structure complies with the provisions of this Section and if the building or structure conforms to the specifications documented to exist prior to the damage as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-184., Board of Architectural Review., if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building or structure is proposed to be altered from the original specifications, the restoration shall be subject to all applicable permit requirements of this Article. *(Amended by Ord. 4318, 6/23/98)*

#### SECTION 6:

DIVISION 11, Section 35-169. Coastal Development Permits, of Article II of the Santa Barbara County Code is hereby amended to read as follows:

#### **Sec. 35-169. Coastal Development Permits**

##### **Sec. 35-169.2.**

2. For buildings and structures that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or more a Development Plan as provided in Section 35-174. (Development Plans) shall be required prior to issuance of a Coastal

Development Permit. In the CA Overlay District, shade structures 20,000 or more square feet in size shall not require a Development Plan prior to issuance of a Coastal Development Permit.

SECTION 7:

Except as amended by this Ordinance, Division 1 Section 35-53, Division 2 Section 35-58, Division 4 Section 35-68, Division 5 Section 35-102, and Division 10 Section 35-162 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 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