



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: 7/8/2008
Placement: Set hearing
Estimated Tme: 30 minutes (on 7/15/2008)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director John Baker ((805.568.2085)
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: **Development Code ordinance amendments regarding overall sign plans, ridgeline/hillside development, small additions, special care homes, and temporary sales offices**

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for July 15, 2008 to consider the recommendation of the County and Montecito Planning Commissions and:

- A. Adopt findings for approval of the proposed ordinances (Attachment A);
- B. Find that the adoption of these ordinances are categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B);
- C. Adopt an Ordinance (Case No. 08ORD-00000-00006) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C); and
- D. Adopt an Ordinance (Case No. 08ORD-00000-00007) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment D).

Summary Text:

In May 2005, the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development Department staff work together to “make the process easier to navigate, and more time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the

Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process. The following ordinance amendments result from that continuing collaboration.

County Land Use and Development Code Revisions

On April 9th, April 23rd, and May 7th, 2008, the County Planning Commission held public workshops to discuss proposed process changes regarding:

- Shifting the permit requirement from a Land Use Permit to a Zoning Clearance for:
 - 1) One-story additions to existing single-family dwellings.
 - 2) Small accessory structures (including swimming pools and sport courts).
 - 3) Temporary sales offices in new subdivisions.
 - 4) Free-standing solar energy systems.
- Shifting the permit requirement for small projects in agricultural zones including:
 - 1) Requiring a Zoning Clearance instead of a Land Use Permit for agricultural accessory structures up to 3,000 square feet in floor area that do not require a Building Permit.
 - 2) Requiring a Zoning Clearance instead of a Land Use Permit for single family dwellings up to 3,000 square feet in floor area, exclusive of garages.
 - 3) Exempting ranch entrance gates up to a maximum of 16 feet in height from a planning permit.
 - 4) Requiring a Land Use Permit instead of a Minor Conditional Use Permit for detached Residential Second Units.
 - 5) Requiring a Land Use Permit instead of a Minor Conditional Use Permit for farm employee dwellings housing up to four employees.
- Revising the Development Plan requirements for agricultural zones.
- Revising the Overall Sign Plan processing requirements to require that the Overall Sign Plans be processed in conjunction with the Development Plan for the shopping center.

In addition to the proposed revisions that were developed as part of the Oversight Committee process, discussion at the workshops also included proposed revisions to the Ridgeline/Hillside Development Standards (requested by the Board of Supervisors during the January 15, 2008 hearing to extend the regional Boards of Architectural Review).

Based on the comments received from the County Planning Commission and the public at these workshops, the Planning and Development Department returned to the County Planning Commission on May 28, 2008 with an ordinance (Case No. 08ORD-00000-00007) that would amend the County Land Use and Development Code as follows:

- Shift the permit requirement from a Land Use Permit to a Zoning Clearance for one-story additions to existing single-family dwellings.
- Shift the permit requirement from a Land Use Permit to a Zoning Clearance for temporary sales offices in new subdivisions.
- Revise the Overall Sign Plan processing requirements to require that the Overall Sign Plans be processed in conjunction with the Development Plan for the shopping center.

- Revise the Ridgeline/Hillside Development Standards to add new exemptions and make other minor changes.

The draft ordinance presented to the County Planning Commission also included revisions to the permit requirements for Special Care Homes (requested by the Board of Supervisors in late 2007) that would lower the threshold for Special Care Homes that may be allowed with a conditional use permit from 15 clients to seven clients. This proposed change was requested by the Board of Supervisors in late 2007 (see Attachment G, December 4, 2007 Board letter).

On May 28, 2008 the County Planning Commission adopted a recommendation to the Board of Supervisors that the Board adopt an ordinance that revises the permitting for one-story additions to existing single-family dwellings, temporary sales offices in new subdivisions, Overall Sign Plans and Special Care Homes. They also recommended that the Ridgeline/Hillside Development Standards be revised by including an additional exemption from the standards when determined to be appropriate by the Board of Architectural Review; however, they recommended against adding a second exemption proposed by staff that would apply to minor additions to existing structures. Their recommendation is reflected in Attachment C of this report. These revisions and original staff proposals are discussed in more detail below.

Regarding the proposed changes to the permit process for agriculturally-related development discussed at the workshops, the Planning and Development Department is working with the Agricultural Advisory Committee and the Oversight Committee to further refine the proposals in order to address the concerns expressed at the workshops. Also, in regards to freestanding solar energy systems, staff is continuing to research how other jurisdictions permit freestanding systems, and will return to the County Planning Commission with a more comprehensive amendment in the future.

Montecito Land Use and Development Code Revisions

On April 16, 2008, the Montecito Planning Commission held a public workshop and discussed possible process changes regarding revisions to the Overall Sign Plan process to require that the Overall Sign Plans be processed in conjunction with the Development Plan for the shopping center, and shifting the permit process for freestanding (i.e., not roof-mounted) solar energy systems from a Land Use Permit to a Zoning Clearance process. The discussion also included the proposed revisions to the Ridgeline/Hillside Development Standards that were presented to the County Planning Commission.

Based on the comments received from the Montecito Planning Commission and the public at the April 16, 2008 workshop, the Planning and Development Department returned to the Montecito Planning Commission on May 21, 2008 with an ordinance (Case No. 08ORD-00000-00007) that would amend the Montecito Land Use and Development Code regarding the permit process for Overall Sign Plans associated with shopping centers. The ordinance also included revisions to the permit requirements for Special Care Homes (requested by the Board of Supervisors in late 2007).

The draft ordinance presented to the Montecito Planning Commission did not contain proposed revisions to the Ridgeline/Hillside Development Standards due to the situation that all structures located in the Montecito Community Plan Area are required to go through the design review process, and therefore the proposed revisions would not result in any real process improvement. Also, the draft ordinance did not contain changes to the process for free-standing solar systems as the Montecito Planning Commission indicated that they were not interested in removing the public notice requirement for these systems at this time.

On May 21, 2008 the Montecito Planning Commission adopted a recommendation to the Board of Supervisors that the Board adopt an ordinance that revises the permitting for Overall Sign Plans and Special Care Homes in the same manner as shown in Attachment D of this report. These revisions are discussed in more detail below.

As stated above in reference to the County Planning Commission action, staff is continuing to research how other jurisdictions permit freestanding systems, and will return to the Montecito Planning Commission with a more comprehensive amendment in the future.

Summary of amendments

The following is a summary of the proposed amendments contained in Attachments C and D. Additional information may be found in Attachment E (5/28/2008 County Planning Commission staff report) and Attachment F (5/21/2008 Montecito Planning Commission staff report).

1. One-story additions to existing single-family dwellings in the Inland area (County only).

Background. All additions to existing single-family dwellings, regardless of height or area, require the approval of a Land Use Permit.

Discussion and recommendation. The recommendation is that one-story additions to existing homes located in the Inland area of the County (outside of the Montecito Community Plan Area) be allowed with a Zoning Clearance subject to all of the following criteria:

- The project complies with all ordinance requirements (parking, setbacks, etc.).
- The height of the addition is does not exceed the height of the existing structure.

The original proposal was that the height of the addition could not exceed 20 feet; however, it was pointed out during the discussion at the Planning Commission workshop that this could unnaturally interfere with the design of certain structures that have more sharply raked roofs.

Zoning Clearances still require staff review to determine compliance with zoning and other regulations, but the decision to issue a Zoning Clearance is neither noticed nor subject to appeal. Approval by the applicable Board of Architectural Review would still be required if the structure is subject to design review.

2. Overall Sign Plans (County and Montecito).

Background. Under the existing regulations, Overall Sign Plans, which are required for all shopping centers, may be submitted after action on the Development Plan for the shopping center has already occurred. This requires the submission of a new application and payment of new fees, and a new public hearing on the Overall Sign Plan before either the County Zoning Administrator or the Montecito Planning Commission.

Discussion and recommendation. In the interest of making the process more efficient, the recommendation is that applications for Overall Sign Plans be required to be submitted concurrently with the application for the Development Plan for the shopping center so that they are heard at the same time by the County or Montecito Planning Commission. Design review for the Overall Sign Plan would occur along with the design review for the shopping center. The names of the proposed retail outlets would not have to be specified at this time, only the size(s), colors, materials and locations of the individual signs. Changes to an approved Overall Sign Plan would be accommodated in the same manner as changes to an approved Development Plan, e.g., through a substantial conformity determination or amendment approved by the Director, or, if the change is extensive, through a revised Overall Sign Plan that would be heard by the County or Montecito Planning Commission.

3. Temporary Sales Offices in New Subdivisions (County only).

Background. Temporary sales offices for new subdivisions currently are allowed subject to the issuance of a Land Use Permit which is noticed and may be appealed.

Discussion and recommendation. Temporary sales offices for new subdivisions are typically located in trailers located near the entrance to the subdivision or in the garage of a model home. They are removed as soon as the homes or lots are sold and historically have not raised any neighborhood issues. The recommendation is that they be permitted through a Zoning Clearance instead of a Land Use Permit.

4. Ridgeline/Hillside Development Standards (County only).

Background. Under the existing regulations structures proposed to be built in a location where there is a 16 drop in elevation within 100 feet in any direction from the proposed footprint are subject to the Ridgeline/Hillside Development Standards that (1) require that the building be reviewed and approved by the regional BAR, and (2) impose certain design criteria regarding the height of structures (25 foot limit in Urban Areas, and 16 feet elsewhere) and location on the site. A structure may be exempt from the development standards under the following situations:

- It is a windmill or water tank for used agriculture purposes, or it is a pole, tower, antenna and related facilities of public utilities used to provide electrical, communications, or similar services.
- The applicable Board of Architectural Review determines that strict adherence to the standards would inordinately restrict the building footprint or height below the average enjoyed by the existing neighborhood, or that allowing greater flexibility in the standards will better serve the interests of good design without negatively impacting the neighborhood.
- The Director of the Planning and Development Department determines that the 16 foot drop in elevation is caused by a minor topographic variation (e.g., gully) such that a true ridgeline or hillside condition does not exist.

Discussion and recommendation. The existing regulations were adopted in August 1988 and have not been significantly revised since that time. However, there have been a number of situations where it is questionable whether requiring adherence to these standards has produced any true benefits to the public at large, for example, where the proposed building cannot be seen from any public viewing areas, or where there is an existing structure and only a small addition is being proposed. This latter issue was brought up during public comment before the Board of Supervisors. On January 15, 2008, during the Board hearing on the extension of the regional Boards of Architectural Review, the Board directed the Planning and Development Department to process an ordinance amending the Ridgeline/Hillside Development Standards addressing these issues.

Staff presented the following proposed revisions during the County Planning Commission workshops:

- Add a new exemption to the development standards for additions to existing structures that meet all of the following criteria:
 - 1) The area of the addition is 500 square feet or less in gross floor area.
 - 2) The height of the proposed addition does not exceed the roof ridgeline of the existing structure.
 - 3) The exterior appearance and architectural style of the addition reflects that of the existing structure.

- 4) The addition uses the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features of the existing structure.
- Add a new exemption for structures that cannot be viewed from public roadways or other areas of public use (landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas).
 - Add creeks and coastal bluffs as additional examples regarding what constitutes a topographic variation that would allow the Director to exempt the proposed structure from the development standards.

As a result of the comments made by the Planning Commission during the workshops and comments made by the Central and South Boards of Architectural Review when staff reviewed the proposal with them on May 9, 2008, staff revised the original language and presented the following to the County Planning Commission at the May 28, 2008 hearing:

New exemption for minor additions to existing structures. Specified that that this exemption can only be utilized once, and added the following additional criteria that must be satisfied in order to qualify for the exemption:

- a) The addition is located in an area of the project site such that the addition is not visible when viewed from down-slope due to the location of the existing structure; or
- b) The addition is at the same finished grade where it is attached to the existing structure and is located in front of the existing structure when viewed from down-slope.

New exemption for structures that are not visible from public viewing areas. Revised the original proposal to add a new exemption for structures located in rural areas that cannot be viewed from public roadways or other areas of public use to the list of exemptions that may be utilized by the Board of Architectural Review. As originally proposed, the determination of public visibility would have been made by staff and the exemption was not restricted to rural areas.

Existing exemption for minor topographic variations. Due to comments from the Central and South Boards of Architectural Review, the revised proposal deleted adding new examples of what constitutes a minor topographic variation that would allow the Director to exempt a structure from review under the Ridgeline/Hillside Development Standards.

The County Planning Commission voted to support the inclusion of the new exemption for structures located in rural areas that are not visible from public viewing areas as determined by the Board of Architectural Review. However, they did not support the inclusion of a new exemption for minor additions to existing structures.

5.5 Special Care Homes (County and Montecito).

Background. Presently, the County and Montecito Land Use and Development Codes permit special care homes serving 14 or fewer clients with a Coastal Development Permit or Land Use Permit whereas a home serving 15 or more clients requires a Minor Conditional Use Permit (MCUP). This reflects an ordinance amendment adopted in 1999 that raised the threshold for special care homes requiring a MCUP from seven to 15 clients. The current proposal would lower the threshold back to seven clients.

Discussion and recommendation. State planning law (California Health and Safety Code Section 1566) provides special protections for special care homes serving six or fewer people including:

- It cannot be subject to any business taxes, local registration fees, use permit fees, or other fees that are not required of other family dwellings of the same type in the same zone.
- Such facilities are considered a residential, and not a commercial use of property and that the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property.
- Restrictions on building heights, setback, lot dimensions, or placement of signs may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.
- A conditional use permit, zoning variance, or other zoning clearance may not be required unless it is also required of a family dwelling of the same type in the same zone.

County Counsel has determined that local jurisdictions may regulate special care homes that provide care for more than six people, such that the County may adopt permit requirements that have the purpose of meeting legitimate, neutral zoning standards, e.g., to ensure that the proposed facility conforms to the neighborhood in terms of size, lighting, design and other factors, provided that that these factors are unrelated to the characteristics or health of the occupants of the proposed facility. In compliance with federal and state laws, a conditional use permit may be required to determine whether reasonable, non-discriminatory conditions should be imposed to conform the proposed use to the neighborhood.

However, a conditional use permit may not be used as the mechanism to exclude the facility from the neighborhood. Also, in establishing a threshold number of residents used to determine those special care homes that require a conditional use permit, the regulation may not discriminate against a special care home based on the number of occupants or the size of the facility by requiring conditions or imposing limits which would not be required of a “traditional” single-family dwelling. The conditional use permit may only impose conditions which affect a proposed special care home in the same manner as other dwellings, for example, to limit the size of the facility in order to achieve neighborhood compatibility. These protections are more thoroughly discussed in Attachment G.

The draft ordinance amendments revise the County and Montecito Land Use and Development Codes to require the approval of a Minor CUP for Special Care Homes serving more than six clients.

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:

Legal Positions:
0

FTEs:
0

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

- A. Findings
- B. Notice of Exemption
- C. Ordinance (Case No. 08ORD-00000-00006) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code.
- D. Ordinance (Case No. 08ORD-00000-00007) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code.
- E. 5/28/2008 County Planning Commission staff report (w/o attachments)
- F. 5/21/2008 Montecito Planning Commission staff report (w/o attachments)
- G. December 4, 2007 Board agenda letter

Authored by:

Noel Langle (805.568.2067)

ATTACHMENT A FINDINGS

CASE NOS. 08ORD-00000-00006 and 08ORD-00000-00007

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Santa Barbara County Land Use and Development Code and the Santa Barbara County Montecito Land Use and Development Code in compliance with Section 35.104.060, Findings Required for Approval of Amendment, of Section 35-1 of Chapter 35 of the County Code, and Section 35.494.060 - Findings Required for Approval of Amendment, of Section 35-2 of Chapter 35 of the County Code:

1. The request is in the interests of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendment provides a more efficient permitting process for (1) small additions to existing single-family dwellings and temporary sales offices in new subdivisions outside of the Montecito Community Plan area and (2, Overall Sign Plans while maintaining the existing protections for surrounding owners. Additionally, in regards to the processing of applications for Special Care Homes serving seven or more clients, the proposed ordinance amendments are in the interest of the general community welfare since the amendments provide, through the requirement for a conditional use permit, the opportunity to impose conditions that will achieve neighborhood compatibility for larger facilities. Lastly, the proposed revisions to the County Land Use and Development Code Ridgeline/Hillside Development Standards are in the interest of the general community welfare since the incorporation of a new exemption from the standards for new structures that are not visible from public viewing areas will provide a more efficient process for qualifying development.

2. The request is consistent with the Comprehensive Plan and applicable Community Plans, the requirements of State planning and zoning laws, and the County and Montecito Land Use and Development Codes.

Adoption of the proposed ordinance amendments will provide a more efficient review process for Overall Sign Plans in conjunction with the review of the shopping center rather than following the shopping center's review at a second public hearing. The process changes relating to Special Care Homes would ensure that a proposed facility conforms to the neighborhood in terms of size, lighting, design and other factors that are unrelated to the characteristics or health of the occupants of the proposed facility, provided that such conditions do not act to unduly prohibit the development of such homes. The amendment to the County Land Use and Development Code relating to Ridgeline/Hillside Development Standards, small additions to existing single-family dwellings, and temporary sales offices in new subdivisions will still require that proposed development conforms to the County Land Use and Development Codes and the Comprehensive Plan.

These revisions will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the Community and Area Plans. The proposed ordinance amendments are also consistent with the remaining portions of the County and Montecito Land Use and Development Codes that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan, the requirements of State Planning and Zoning Laws, and the Land Use and Development Code.

3. The request is consistent with good zoning and planning practices.

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. As discussed above in Finding 2, the amendment is consistent with the Comprehensive Plan and Community Plans, and the County and Montecito Land Use and Development Codes.

ATTACHMENT B: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case Nos.: 08ORD-00000-00006 and 08ORD-00000-00007

Location: The proposed ordinance amendment would apply to the unincorporated area of Santa Barbara County.

Project Title: Overall Sign Plans, Ridgeline/Hillside Development Standards, Small Additions, Special Care Homes, Temporary Sales Offices Process Revisions Ordinance Amendments.

Project Description:

08ORD-00000-00006 proposes to amend Article 35.2 - Zones and Allowable Uses, Article 35.3 - Site Planning and Other Project Standards, Article 35.4 - Standards for Specific Land Uses, Section 35.6 - Resource Management, and Section 35.8 - Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise (1) the existing procedures for permitting Special Care Homes, small additions to existing dwellings and temporary sales offices for new subdivisions, (2) the processing of Overall Sign Plans, and (3) the applicability of the Ridgeline and Hillside Development Standards.

Adoption of the proposed ordinance amendment would:

- Require that Overall Sign Plans be reviewed and approved in conjunction with the review of the shopping center rather than following the shopping center's review at a second public hearing.
- Require that applications for Special Care Homes that serve seven or more clients would require the processing of a Conditional Use Permit instead of the existing threshold of 15 or more clients.
- Provide that small additions to existing single-family dwellings and temporary sales offices in new subdivisions may be allowed with a Zoning Clearance instead of the presently required Land Use Permit.
- Add new exemptions from the Ridgeline/Hillside Development Standards for new structures that are not visible from public viewing areas.

08ORD-00000-00007 proposes to amend Division 35.2 - Montecito Zones and Allowable Land Uses, Division 35.3 - Montecito Site Planning and Other Project Standard, Division 35.4 - Montecito Standards for Specific Land Uses, and Division 35.7 - Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the existing procedures for processing Overall Sign Plans and permitting Special Care Homes.

Adoption of the proposed ordinance amendment would:

- Require that Overall Sign Plans be reviewed and approved in conjunction with the review of the shopping center rather than following the shopping center's review at a second public hearing.

- Require that applications for Special Care Homes that serve seven or more clients would require the processing of a Conditional Use Permit.

Exempt Status: (Check one)

- Ministerial
 Statutory
 Categorical Exemption
 Emergency Project
 No Possibility of Significant Effect Section 15061(b)(3)

Cite specific CEQA Guideline Section: Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

Reasons to support exemption findings:

- 1. Overall Sign Plans (County and Montecito).** Adoption of the proposed ordinance amendment would provide a more efficient review process for Overall Sign Plans in conjunction with the review of the shopping center rather than following the shopping center's review at a second public hearing. The revision would not change the existing discretionary review of Overall Sign Plans such that they would still be reviewed in compliance with CEQA.
- 2. Special Care Homes (County and Montecito).** Adoption of the proposed ordinance amendment would lower the threshold for discretionary review of Special Care Homes from 14 to seven clients. Such facilities would therefore be subject to review under CEQA and would allow the imposition of conditions of approval to ensure that a proposed facility conforms to the neighborhood in terms of size, lighting, design and other factors that are unrelated to the characteristics or health of the occupants of the proposed facility, provided the conditions placed on the project do not act to unduly prohibit the development of such homes.
- 3. Small additions to existing single-family dwellings (County only).** Adoption of the proposed ordinance amendment would permit one-story additions to existing homes with a Zoning Clearance, instead of a Land Use Permit, provided the addition meets all of the following criteria:
 - The addition complies with all ordinance requirements (parking, setbacks, etc.).
 - The height of the addition is does not exceed the height of the existing structure.

The revision would maintain the existing ministerial review of such temporary sales offices; however Zoning Clearances still require staff to determine compliance with zoning and other codes.. Approval by the regional Board of Architectural Review would still be required if the structure is subject to design review.

- 4. Temporary sales offices for new subdivisions (County only).** Adoption of the proposed ordinance amendment would change the permit requirement for a temporary sales office in a new subdivision from a Land Use Permit to a Zoning Clearance. The requirement for deposit of a performance security to assure the removal of the temporary sales office would remain. The revision would maintain the existing ministerial review of such temporary sales offices.
- 5. Ridgeline/Hillside Development Standards (County only).** Adoption of the proposed ordinance amendment would add a new exemption (under the jurisdiction of the regional Board of Architectural Review) from adherence to the development standards for structures located in rural areas that cannot be viewed public viewing areas (e.g., public parks, roads, trails); landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas. There is no limit on the size of the proposed structure; however, given that

the structure would not be visible from public viewing areas there would be no potential for significant visual impacts.

Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

Department/Division Representative

Date

Acceptance Date (date of final action on the project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff
Project File

ATTACHMENT C: ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES); AND SECTION 35.36.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.36, PARKING AND LOADING STANDARDS, OF ARTICLE 35.3 SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.42.070, COMMUNITY CARE FACILITIES, AND SECTION 35.42.260, TEMPORARY USES AND TRAILERS, OF CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, OF ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.62.040, RIDGELINE AND HILLSIDE DEVELOPMENT GUIDELINES, OF CHAPTER 35.62, RIDGELINE AND HILLSIDE DEVELOPMENT, OF ARTICLE 35.6, RESOURCE MANAGEMENT; AND SECTION 35.80.020, AUTHORITY FOR LAND USE AND ZONING DECISIONS; OF CHAPTER 35.80, PERMIT APPLICATION FILING AND PROCESSING; AND SECTION 35.82.130, OVERALL SIGN PLANS, OF CHAPTER 35.82, PERMIT REVIEW AND DECISIONS, OF ARTICLE 35.2, PLANNING PERMIT PROCEDURES; TO REVISE (1) THE EXISTING PROCEDURES FOR PERMITTING SMALL ADDITIONS TO EXISTING SINGLE-FAMILY DWELLINGS, SPECIAL CARE HOMES AND TEMPORARY SALES OFFICES IN NEW SUBDIVISIONS, (2) THE PROCESSING OF OVERALL SIGN PLANS, AND (3) THE APPLICABILITY OF THE RIDGELINE AND HILLSIDE DEVELOPMENT STANDARDS, AND MAKE OTHER MINOR CORRECTIONS AND REVISIONS.

Case No. 08ORD-00000-00006

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval; and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
- 1. Exemptions from floor area calculations.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan.
 - a. The structure qualifies as winery structural development.

- b. If the structure is existing, than it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection F, Minor additions to existing one-family dwellings, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

F. Minor additions to existing one-family dwellings within the Inland area. Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:

1. The addition is limited to one story.
2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, by, in the Residential Uses section of Table 2-1, adding a new Note (4) to "Dwelling, one-family" and in the Notes section of Table 2-1 that reads "A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.21.030.F." and renumber the existing Notes accordingly.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, by, in the Residential Uses section of Table 2-1, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, to read as follows:

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

1. **MT-GOL, MT-TORO, MT-TORO (CZ), and RMZ (CZ) zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the

approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

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

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection F, Minor additions to existing one-family dwellings, of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, to read as follows:

F. Minor additions to existing one-family dwellings within the Inland area. Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:

1. The addition is limited to one story.
2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Management Zones) of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, by, in the Residential Uses section of Table 2-4, adding a new Note (3) to "Dwelling, one-family" and in the Notes section of Table 2-4 that reads "A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.22.030.F."

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Management Zones) of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, by, in the Residential Uses section of Table 2-4, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:
1. **RR, R-1/E-1, EX-1 and R-2 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
 2. **DR zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development within the DR zone, including grading, except that the following do not require Development Plan approval.
 - a. **Coastal Zone and Inland area.** Within the Coastal Zone and Inland area, one one-family dwelling and residential accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).
 - b. **Inland area.** Within the Inland area, orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.
 3. **MHP, MHS and SLP zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the MHP, MHS, and SLP zones.
 4. **PRD zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading, within the PRD zone, except that orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto do not require a Development Plan; but shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.050 (Residential Zones Development Standards).
 5. **SR-M and SR-H zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the SR-M and SR-H zones, except that the development of a one-family dwelling or a duplex does not require a Development Plan.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection F, Minor additions to existing one-family dwellings, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

- F. Minor additions to existing one-family dwellings within the Inland area.** Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:
1. The addition is limited to one story.
 2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
 3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-7, adding a new Note (3) to "Dwelling, one-family" and in the Notes section of Table 2-7 that reads "A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.23.030.F." and renumber the existing Notes accordingly.

SECTION 12:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-7, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 13:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-8, adding a new Note (3) to "Dwelling, one-family" and in the Notes section of Table 2-7 that reads "A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.23.030.F." and renumber the existing Notes accordingly.

SECTION 14:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-8, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 15:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-9, adding a new Note (3) to "Dwelling, one-family" and in the Notes section of Table 2-9 that reads "A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.23.030.F." and renumber the existing Notes accordingly.

SECTION 16:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to

amend Table 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, by, in the Residential Uses section of Table 2-9, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

SECTION 17:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

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

1. **CN and C-1 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area.
2. **C-2 and C-3 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or more.
3. **C-S, C-V, SC, and PI zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading.
4. **CH zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading, except that in the Coastal Zone a Final Development Plan is not required for the following, provided that all other requirements of the CH zone are complied with:
 - a. Additions to uses or structures on property developed as of February 1, 1963; and
 - b. Development on a legal lot of less than 20,000 square feet of net land area created on or before February 1, 1963.

SECTION 18:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection F, Minor additions to existing one-family dwellings, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

F. Minor additions to existing one-family dwellings within the Inland area. Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:

1. The addition is limited to one story.
2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

SECTION 19:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-14, adding a new Note (4) to “Dwelling, one-family” and in the Notes section of Table 2-14 that reads “A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.24.030.F.” and renumber the existing Notes accordingly.

SECTION 20:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-14, amending “Special care home, 14 or fewer clients” to read “Special care home, 6 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

SECTION 21:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-15 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending “Special care home, 14 or fewer clients” to read “Special care home, 6 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

SECTION 22:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending “Special care home, 14 or fewer clients” to read “Special care home” and deleting “Special care home, 15 or more clients.”

SECTION 23:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, by, in the Residential Uses section of Table 2-15, amending “Special care home, no client restrictions” to read “Special care home.”

SECTION 24:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C, Development Plan approval required, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

C. Development Plan approval required. Development Plan approval compliance with [Section 35.82.080](#)

(Development Plans) is required as follows:

1. **MU, PU, and REC zones.** Within the MU, PU, and REC zones, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.
2. **OT zones.**
 - a. **OT-R/LC and OT-GC.** Final Development Plan approval is in compliance with Section 35.82.080 (Development Plans) required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.
 - b. **OT-R.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.
 - c. **Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt \(PA-OTO\) Overlay Zone\)](#), then the development plan requirements of [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt \(PA-OTO\) Overlay Zone\)](#) shall apply instead of Subsections 2.a. and 2.b., above.
3. **TC zone.** Within the TC zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading, except as listed below.
 - a. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of the ordinance creating the TC zone (August 10, 1994) shall not be deemed legal non-conforming uses. This provision is intended to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development, and to allow for the repair of existing facilities.
 - b. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of the TC zone.

SECTION 25:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection G, Minor additions to existing one-family dwellings, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

G. Minor additions to existing one-family dwellings within the Inland area. Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:

1. The addition is limited to one story.
2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

SECTION 26:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to

amend Table 2-22 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, by, in the Residential Uses section of Table 2-22, adding a new Note (3) to “Dwelling, one-family” and in the Notes section of Table 2-22 that reads “A Zoning Clearance (Section 35.82.210) is required instead of a Coastal Development Permit or Land Use Permit for additions to existing one-family dwellings that comply with Subsection 35.26.030.G.” and renumber the existing Notes accordingly.

SECTION 27:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-22 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, by, in the Residential Uses section of Table 2-22, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home,” and deleting existing Note (6) “If zone designation is OT-LC or OT-GC, a Special Care Home may be allowed with a MCUP,” and renumber the remaining existing Notes accordingly.

SECTION 28:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-23 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, by, in the Residential Uses section of Table 2-23, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home.”

SECTION 29:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 3-4, Residential Parking Standards, of Section 35.36.050, Required Number of Spaces: Residential Uses, to add a Note (5) to “Retirement and special care homes” and in the Notes section of Table 3-4 that reads “Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.”

SECTION 30:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.42.090.D, Special care homes, of Section 35.42.090, Community Care Facilities, of Chapter 35. 42, Standards for Specific Land Uses, to read as follows:

D. Special care homes.

1. In general.

- a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.
- b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

2. Special care homes serving six or fewer clients.

- a. **Considered a residential use.** In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.
- b. **Allowable restrictions.** Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
- c. **Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- d. **Ministerial action.**
 - (1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
 - (2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

3. Special care homes serving seven or more clients.

- a. **Minor Conditional Use Permit required.** A special care home serving seven or more clients shall be required to obtain a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) prior to the operation of the special care home.
- b. **Development Standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with Chapter 35.36 (Parking and Loading Standards).

SECTION 31:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-10 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-10		
Allowed Temporary Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)
	<u>ZC</u>	Permitted use, Zoning Clearance required
	P	Permitted use, Land Use or Coastal Permit required
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations

LAND USE (1)	— Use Not Allowed				Specific Use Regulations
	PERMIT REQUIRED BY ZONE				
	AG-I	AG-I CZ	AG-II	AG-II CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Certified farmers market	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (5 or more agricultural employees)	—	—	CUP	CUP	35.42.260.G.5
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (agricultural office)	S	S	S	S	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

AG-I	Agricultural I	CZ	Coastal Zone
AG-II	Agricultural II		

Notes:

(1)

See Article 35.11 (Glossary) for land use d

SECTION 32:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-11 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-11	E	Allowed use, no permit required (Exempt)
	ZC	Permitted use, Zoning Clearance required

Allowed Temporary Use and Permit Requirements for Resource Protection Zones	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

MT-GOL	Mountainous Area - Goleta	RMZ	Resource Management
MT-TORO	Mountainous Area - Toro Canyon	CZ	Coastal Zone

Notes:

(1)

See Article 35.11 (Glossary) for land use defin

SECTION 33:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-12 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-12 Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	ZC	Permitted use, Zoning Clearance required
	P	Permitted use, Land Use or Coastal Permit required
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	ALL RESIDENTIAL ZONES	
		Specific Use Regulations

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	Coastal Zone - P	Inland area - ZC 35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	35.42.260.G.14

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.7
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	35.42.260.G.12
Trailer (subdivision sales office)	Coastal Zone - P	Inland area - ZC 345.42.260.G.13

Notes:

- (1) See Article 35.11 (Glossary) for land u
- (2) Use not allowed in the EX-1 and E
- (3) Use not allowed in the PRD-CZ, SLP, MHP, MHP-CZ, ar

SECTION 34:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-13 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-13 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.5
Parking lot sale	—	—	—	S	S	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
Swap meet	—	—	—	CUP	CUP	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.4.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

CN	Neighborhood commercial	C-2	Retail commercial
C-1	Limited commercial	CZ	Coastal zone

Notes:

(1)

See Article 35.11 (Glossary) for land use definit

Table 4-13 - Continued Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CH CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	35.42.260.F.2
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	35.42.260.F.5
Parking lot sale	S	—	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	P	35.42.260.F.13
Swap meet	CUP	—	—	—	35.42.260.F.14

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	P	35.42.260.G.13

Key to Zone Symbols

C-3	General commercial	CH	Highway commercial
CS	Service commercial	CZ	Coastal Zone

Notes:

(1)

See Article 35.11 (Glossary) for land use definition

Table 4-13 - Continued Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	—	35.42.260.F.5
Parking lot sale	—	—	S	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	P	35.42.260.F.13
Swap meet	—	—	—	—	—	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	—	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	—	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	—	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	—	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	P	35.42.260.G.13

Key to Zone Symbols

C-V	Visitor-serving Commercial	PI	Professional and Institutional
SC	Shopping center	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 35:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-14 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-14 Allowed Temporary Uses and Permit Requirements for the Industrial Zone	E	Allowed use, no permit required (Exempt)						
	ZC	Permitted use, Zoning Clearance required						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	P	P	35.42.260.F.1
Certified farmers market	MCUP	MCUP	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	—	—	
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	—	—	—	—	—	—	—	
Trailer (subdivision sales office)	ZC	P	ZC	ZC	ZC	P	P	35.42.260.G.13

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions

SECTION 36:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-15 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-15 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)			
	<u>ZC</u>	<u>Permitted use, Zoning Clearance required</u>			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MU	OT-R	OT-R/LC	OT-R/GC	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	—	—	35.42.260.F.1
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10

Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	—	35.42.260.G.12

Key to Zone Symbols

MU	Mixed Use	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	OT-R/LC	Old Town - Residential/Light Commercial

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15 - Continued Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	—	—	—	—	—	
Certified farmers market	—	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	MCUP	35.42.260.G.4
Trailer(watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	—	—	—	—	—	
Trailer(dwelling during construction of new dwelling)	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11

Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14
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TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	—	—	—	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	P	35.42.260.G.13

Key to Zone Symbols

PU	Public Works/Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 37:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 13., Subdivision sales office, of Subsection F., Permit requirements and development standards for specific temporary uses, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- 13. Subdivision sales office.** Subdivision sales offices may be allowed in compliance with the following development standards:
- a. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
 - b. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within a portion of a model home, other than the garage, or unless the Commission has approved its conversion to a permanent use.
 - c. During the time it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
 - d. The garage of a model home may be used as the sales office subject to the recordation of an agreement by the owner of the lot that the model home is located on prior to the issuance of the Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) to allow the use of the garage as a sales office specifying that sales office will be converted to a garage at the time of expiration of the Coastal Development Permit or the Land Use Permit or Zoning Clearance. The occupancy of the model home shall not be allowed until the sales office has been removed or a two-car garage is provided for the model home.
 - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner’s obligations set forth in said agreement.
 - e. The Coastal Development Permit or Land Use Permit or Zoning Clearance shall expire after either the initial sale of all the lots within the subdivision in which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or within one year after the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance, whichever is earlier.

- f. The Coastal Development Permit or Land Use Permit or Zoning Clearance may be extended one time by the Director for one year upon application of the subdivider for good cause shown.
- g. If the sales office is located in a separate structure including a trailer, then an agreement shall be recorded by the owner of the lot that the sales office is located on prior to the issuance of the Coastal Development Permit in compliance with [Section 35.82.050](#) or Land Use Permit in compliance with [Section 35.82.110](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) to allow the construction or installation of the sales office specifying that sales office will be removed within 30 days after expiration of the Coastal Development Permit or Land Use Permit or Zoning Clearance or any extension thereof, or after notification by the Director if the Commission at any time finds that the sales office is unsightly or has become a public nuisance.
 - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

SECTION 38:

ARTICLE 35.6, Resource Management, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B., Applicability, of Section 35.62.040, Ridgeline and Hillside Development Guidelines, of Chapter 35.62, Ridgeline and Hillside Development Guidelines, to read as follows:

B. Applicability. Each structure proposed where there is a 16 drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) for conformity with the development guidelines in Subsection C (Development guidelines) below.

1. **Exempt structures.** The following structures are exempt from these guidelines.
 - a. Windmills and water tanks for agricultural purposes.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications, or similar services.
2. **Exemptions allowed by Board of Architectural Review.** The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with [Section 35.82.070 \(Design Review\)](#) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
 - b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design without negatively affecting neighborhood compatibility or the surrounding viewshed.
 - c. The project site is located in a Rural Area as designated on the Comprehensive Plan maps and the proposed development is situated such that upon completion the new structure or alteration to an existing structure will not be visible from public roadways or other areas of public use (e.g., public trails, parks). Landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas.
 - d. If the Board of Architectural Review grants an exemption to the 16 foot height limit for a non-

agricultural structure located within the rural area of the Toro Canyon Plan area, then the Board of Architectural Review shall adopt a written finding that describes how the project complies with the applicable exemption criteria above.

3. Exemptions allowed by the Director. The Director may exempt the following from compliance with these guidelines:

- (a) **Minor topographic variations.** A new structure or an alteration to an existing structure when the Director determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully), such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.

SECTION 39:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 8-1, Review Authority, of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Coastal Development Permits(without hearing) (3)	Decision		Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal	Appeal
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (4) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150			
Reclamation and Surface Mining Permits			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Chapter 35.102 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.82.050.D.2.
- (4) The Board of Architectural Review with jurisdiction in compliance with County Code Chapter 2 shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review is appealable to the Commission; the decision of the Commission is appealable to the Board.

SECTION 40:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.82.130, Overall Sign Plans, of Chapter 35.82, Permit Review and Decisions, to read as follows:

35.82.150 - Overall Sign Plans

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.
- B. Applicability.** The provisions of this Section shall apply to all proposed signs located within shopping centers.
- C. Allowed modifications.** The Zoning Administrator may allow the following sign modifications as part of the approval of an Overall Sign Plan:
 - 1. Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
 - 2. Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
 - 3. Under canopy sign.** An increase in the area limitation of under canopy signs.
 - 4. Wall sign.** An increase in the area limitation of wall signs.
- D. Contents of application.** An application for an Overall Sign Plan shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- E. Processing.**
 1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
 - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.

2. Review authority.
 - a. The review authority for the application for the Development Plan for the shopping center shall be the review authority for the application for the Overall Sign Plan.
 - b. The review authority for an application for an Overall Sign Plan submitted in compliance with Subsection 1.a, above, shall be the Zoning Administrator
3. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
4. The Overall Sign Plan shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
 - a. The Board of Architectural Review shall provide a recommendation to the review authority on:
 - (1) The effect of the proposed Overall Sign Plan on:
 - (a) The various parts of and commercial enterprises within the shopping center.
 - (b) The streets and properties surrounding the shopping center.
 - (c) The overall continuity of design and signs within the shopping center.
 - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
 - b. If the area of menu boards for drive-through restaurants, under canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Board of Architectural Review shall make specific recommendations to the review authority on any such modification.
5. The review authority shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The review authority shall consider the effect of the proposed Overall Sign Plan upon:
 - a. The various parts of and commercial enterprises within the shopping center.
 - b. The streets and properties surrounding the shopping center.
 - c. The overall continuity of design and signs within the shopping center.
6. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - a. In addition to mailed notice required in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
7. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

F. Findings required for approval. If an Overall Sign Plan includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

- b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
- 3. **Under-canopy signs.** The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
- 4. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

SECTION 41:

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

SECTION 42:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 43:

Except as amended by this Ordinance, Article 35.2, Article 35.3, Article 35.4, Article 35.6 and Article 35.8, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 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:

DENNIS MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D: ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.421.030, AGRICULTURAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.421, AGRICULTURAL ZONES, AND SECTION 35.422.030, RESOURCE PROTECTION ZONES ALLOWABLE LAND USES, OF CHAPTER 35.422, RESOURCE PROTECTION ZONES, AND SECTION 35.423.030, RESIDENTIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.423, RESIDENTIAL ZONES, AND SECTION 35.424.030, COMMERCIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.424, COMMERCIAL ZONES, ALL OF DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; AND SECTION 35.436.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.436, PARKING AND LOADING STANDARDS, OF DIVISION 35.3 MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.442.070, COMMUNITY CARE FACILITIES, OF CHAPTER 35.442, STANDARDS FOR SPECIFIC LAND USES, OF DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.472.130, OVERALL SIGN PLANS, OF CHAPTER 35.472, PERMIT REVIEW AND DECISIONS, OF DIVISION 35.2, MONTECITO PLANNING PERMIT PROCEDURES, TO REVISE THE EXISTING PROCEDURES FOR PROCESSING OVERALL SIGN PLANS AND PERMITTING SPECIAL CARE HOMES.

Case No. 08ORD-00000-00007

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.421.030, Agricultural Zones Allowable Land Uses, of Chapter 35.421, Agricultural Zones, by, in the Residential Uses section of Table 2-1, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) of Section 35.422.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.422, Resource Protection Zones, by, in the Residential Uses section of Table 2-4, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential

Zones, by, in the Residential Uses section of Table 2-7 and Table 2-8, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, by, in the Residential Uses section of Table 2-12, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, by, in the Residential Uses section of Table 2-14, deleting “Special care home, 14 or fewer clients” and deleting “Special care home, 15 or more clients.”

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 3-3, Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, to add a Note (3) to “Retirement and special care homes” and in the Notes section of Table 3-3 that reads “Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.”

SECTION 7:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.442.070.D, Special care homes, of Section 35.442.070, Community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

D. Special care homes.

1. In general.

- a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.
- b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

2. Special care homes serving six or fewer clients.

- a. **Considered a residential use.** In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.
 - b. **Allowable restrictions.** Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
 - c. **Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
 - d. **Ministerial action.**
 - (1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
 - (2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits).
- 3. Special care homes serving seven or more clients.**
- a. **Conditional Use Permit required.** A special care home serving seven or more clients shall be required to obtain a Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits) prior to the operation of the special care home.
 - b. **Development standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards).

SECTION 8:

DIVISION 35.7, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.472.130.E, Processing, of Section 35.472.130, Overall Sign Plans, of Chapter 35.472, Permit Review and Decisions, to read as follows:

E. Processing.

- 1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
 - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign

Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.

2. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. The Overall Sign Plan shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - a. The Montecito Board of Architectural Review shall provide a recommendation to the Montecito Commission on:
 - (1) The effect of the proposed Overall Sign Plan on:
 - (a) The various parts of and commercial enterprises within the shopping center.
 - (b) The streets and properties surrounding the shopping center.
 - (c) The overall continuity of design and signs within the shopping center.
 - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
 - b. If the area of menu boards for drive-through restaurants, under-canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Montecito Board of Architectural Review shall make specific recommendations to the Montecito Commission on any such modification.
4. The Montecito Commission shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Montecito Commission shall consider the effect of the proposed Overall Sign Plan upon:
 - a. The various parts of and commercial enterprises within the shopping center.
 - b. The streets and properties surrounding the shopping center.
 - c. The overall continuity of design and signs within the shopping center.
5. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - a. In addition to mailed notice required in compliance with Chapter 35.496 (Noticing and Public Hearings), notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
6. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

SECTION 9:

Except as amended by this Ordinance, Division 35.2, 35.3, 35.4, and 35.7 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this

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

SECTION 11:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 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:

DENNIS MARSHALL
County Counsel

By _____
Deputy County Counsel

SANTA BARBARA COUNTY PLANNING COMMISSION

Staff Report for shifting permit types for small additions, Special Care Homes and temporary sales offices in new subdivisions; revisions to the Overall Sign Plan regulations; and revisions to the Ridgeline/Hillside Development Standards Ordinance Amendment

Hearing Date: May 28, 2008

Development Services Director: Dianne Black

Staff Report Date: May 9, 2008

Staff Contact: Noel Langle

Case Nos.: 08ORD-00000-00006

Phone No.: 805.568.2067

Environmental Document: CEQA Guidelines Section 15061(b)(3)

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 08ORD-00000-00006) amending Article 35.2 - Zones and Allowable Uses, Article 35.3 - Site Planning and Other Project Standards, Article 35.4 - Standards for Specific Land Uses, Section 35.6 - Resource Management, and Section 35.8 - Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise (1) the existing procedures for permitting Special Care Homes, small additions to existing dwellings and temporary sales offices for new subdivisions, (2) the processing of Overall Sign Plans, and (3) the applicability of the Ridgeline and Hillside Development Standards.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 08ORD-00000-00006 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Recommend that the Board of Supervisors adopt Case No. 08ORD-00000-00006, an amendment to Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the County Land Use and Development Code. The Government Code and the County Land Use and Development Code require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Planning Area, review and consider proposed ordinance amendments and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development staff work together to “Make the process easier to navigate, and more time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process.

On April 9th, April 23rd, and May 7th, 2008, your Commission held public workshops to discuss proposed process changes regarding:

- Shifting the permit requirement from a Land Use Permit to a Zoning Clearance for:
 - 1) One-story additions to existing single-family dwellings.
 - 2) Small accessory structures (including swimming pools and sport courts) from a Land Use Permit to a Zoning Clearance.
 - 3) Temporary sales offices in new subdivisions from a Land Use Permit to a Zoning Clearance.
 - 4) Free-standing solar energy systems.
- Shifting the permit requirement for small projects in agricultural zones including:
 - 1) Requiring a Zoning Clearance instead of a Land Use Permit for agricultural accessory structures up to 3,000 square feet in floor area that do not require a Building Permit.
 - 2) Requiring a Zoning Clearance instead of a Land Use Permit for single family dwellings up to 3,000 square feet in floor area, exclusive of garages.
 - 3) Exempting entrance gates up to a maximum of 16 feet in height from a planning permit.
 - 4) Requiring a Land Use Permit instead of a Minor Conditional Use Permit for detached Residential Second Units.
 - 5) Requiring a Land Use Permit instead of a Minor Conditional Use Permit for farm employee dwellings housing up to four employees.
- Revising the development plan requirements in agricultural zones.
- Revising the Overall Sign Plan processing requirements.
- Revising the applicability of the Ridgeline/Hillside Development Standards.

Based on the comments received from the Planning Commission and the public at these workshops, staff is only asking your Commission to consider the following subjects at this time:

- Shifting the permit requirement from a Land Use Permit to a Zoning Clearance for one-story additions to existing single-family dwellings.
- Shifting the permit requirement from a Land Use Permit to a Zoning Clearance for temporary sales offices in new subdivisions from a Land Use Permit to a Zoning Clearance.
- Revising the Overall Sign Plan processing requirements to require that the Overall Sign Plan be processed in conjunction with the Development Plan for the shopping center.

However, staff intends return in the future with an ordinance amendment regarding the agricultural-related items outlined above.

The following two items are also included in this proposed ordinance amendment at the direction of the Board of Supervisors:

- Revising the applicability of the Ridgeline/Hillside Development Standards.

- Revising the permit requirements for Special Care Homes.

On May 21, 2008 the Montecito Planning Commission adopted a recommendation to the Board of Supervisors that the Board adopt an ordinance that revises the permitting for Overall Sign Plans and Special Care Homes in the same manner as shown in Attachment C of this report.

The staff report for the April 9, 2008 workshop is attached to this report as Attachment D.

5.0 PROJECT DESCRIPTION AND ANALYSIS

The following is a summary of the planning issues associated with the proposed amendments contained in Attachment C.

5.1 One-story additions to existing single-family dwellings in the Inland area.

Background. All additions to existing single-family dwellings, regardless of height or area, require the approval of a Land Use Permit.

Discussion and recommendation. The recommendation is that one-story additions to existing homes located in the Inland area of the County be allowed with a Zoning Clearance subject to all of the following criteria:

- The project complies with all ordinance requirements (parking, setbacks, etc.).
- The height of the addition is does not exceed the height of the existing structure.

The original proposal was that the height of the addition could not exceed 20 feet; however, it was pointed out during the discussion at the Planning Commission workshop that this could unnaturally interfere with the design of certain structures that have more sharply raked roofs.

Zoning Clearances still require staff review to determine compliance with zoning and other codes, but the decision to issue a Zoning Clearance is not noticed nor is it subject to appeal. Approval by the regional Board of Architectural Review would still be required if the structure is subject to design review.

The Oversight Committee supports this proposed process revision as did the County Planning Commission at the workshops.

The following is the proposed language (language proposed to be added is shown as underlined; language proposed for deletion is struck-through):

Minor additions to existing one-family dwellings within the Inland area. Minor additions to existing one-family dwellings located within the Inland Area may be allowed with a Zoning Clearance in compliance with Section 35.82.210 in compliance with the following:

1. The addition is limited to one story.
2. The addition is not constructed over an existing portion of the existing dwelling, including garages and accessory structures attached to the existing dwelling.
3. The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.

5.2 Overall Sign Plans.

Background. Under the existing regulations, Overall Sign Plans, which are required for all shopping centers, may be submitted after action on the Development Plan for the shopping center has already occurred. This requires the submission of a new application and payment of new fees, and a new public hearing on the Overall Sign Plan before the County Planning Commission.

Discussion and recommendation. In the interest of making the process more efficient, the

Planning and Development Department is recommending that applications for Overall Sign Plans be required to be submitted concurrently with the application for the Development Plan for the shopping center so that they are heard at the same time by the County Planning Commission. Design review for the Overall Sign Plan would occur along with the design review for the shopping center. The names of the proposed retail outlets would not have to be specified at this time, only the size(s), colors, materials and locations of the individual signs. Changes to an approved Overall Sign Plan would be accommodated in the same manner as changes to an approved Development Plan, e.g., through a substantial conformity determination or amendment approved by the Director, or, if the change is extensive, through a revised Overall Sign Plan that would be heard by the County Planning Commission.

The Oversight Committee supports this proposed process revision as did the County Planning Commission at the workshops.

5.3 Temporary Sales Offices in New Subdivisions.

Background. Temporary sales offices for new subdivisions currently are allowed subject to the issuance of a Land Use Permit which is noticed and may be appealed.

Discussion and recommendation. Temporary sales offices for new subdivisions are typically located in trailers located near the entrance to the subdivision or in the garage of a model home. They are removed as soon as the homes or lots are sold and historically have not raised any neighborhood issues. The recommendation is that they be permitted through a Zoning Clearance instead of a Land Use Permit.

The Oversight Committee supports this proposed process revision as did the County Planning Commission at the workshops.

5.4 Ridgeline/Hillside Development Standards.

Background. Currently, structures proposed to be built in a location where there is a 16 drop in elevation within 100 feet in any direction from the proposed footprint are subject to the Ridgeline/Hillside Development Standards that (1) require that the building be reviewed and approved by the regional BAR, and (2) impose certain design criteria regarding the height of structures (25 foot limit in Urban Areas, and 16 feet elsewhere) and location on the site. A structure may be exempt from the development standards under the following situations:

- It is a windmill or water tank for used agriculture purposes, or it is a pole, tower, antenna and related facilities of public utilities used to provide electrical, communications, or similar services.
- The regional Board of Architectural Review determines that strict adherence to the standards would inordinately restrict the building footprint or height below the average enjoyed by the existing neighborhood, or that allowing greater flexibility in the standards will better serve the interests of good design without negatively impacting the neighborhood.
- The Director of the Planning and Development Department determines that the 16 foot drop in elevation is caused by a minor topographic variation (e.g., gully) such that a true ridgeline or hillside condition does not exist.

Discussion and recommendation. The existing regulations were adopted in August 1988 and have not been significantly revised since that time. However, there have been a number of situations where it is questionable whether requiring adherence to these standards has produced any true benefits to the public at large, for example, where the proposed building cannot be seen from any public viewing areas, or where there is an existing structure and only a small addition is being proposed. This latter issue was brought up during public comment before the Board of

Supervisors. On January 15, 2008, during the Board hearing on the extension of the regional Boards of Architectural Review, the Board directed the Planning and Development Department to process an ordinance amending the Ridgeline/Hillside Development Standards addressing these issues.

Staff presented the following proposed revisions during the Planning Commission workshops:

- Add a new exemption to the development standards for additions to existing structures that meet all of the following criteria:
 - 1) The area of the addition is 500 square feet or less in gross floor area.
 - 2) The height of the proposed addition does not exceed the roof ridgeline of the existing structure.
 - 3) The exterior appearance and architectural style of the addition reflects that of the existing structure.
 - 4) The addition uses the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features of the existing structure.
- Add a new exemption for structures that cannot be viewed from public roadways or other areas of public use (landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas).
- Add creeks and coastal bluffs as additional examples regarding what constitutes a topographic variation that would allow the Director to exempt the proposed structure from the development standards.

As a result of the comments made by the Planning Commission during the workshops and comments made by the Central and South Boards of Architectural Review when staff reviewed the proposal with them on May 9th, staff revised the original proposal as follows:

New exemption for minor additions.

1. Specify that this exemption can only be utilized once.
2. Add the following additional criteria that must be satisfied in order to qualify for the exemption:
 - a) The addition is located in an area of the project site such that the addition is not visible when viewed from down-slope due to the location of the existing structure; or
 - b) The addition is at the same finished grade where it is attached to the existing structure and is located in front of the existing structure when viewed from down-slope.

New exemption for structures that are not visible from public viewing areas. Add a new exemption for structures located in rural areas that cannot be viewed from public roadways or other areas of public use (landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas) to the list of exemptions that may be utilized by the Board of Architectural Review. As originally proposed, the determination of public visibility would have been made by staff and the exemption was not restricted to rural areas.

Existing exemption for minor topographic variations. The current proposal is to not add any new examples of what constitutes a minor topographic variation.

The following is the proposed language (language proposed to be added is shown as underlined; language proposed for deletion is struck-through):

Exemptions allowed by Board of Architectural Review. The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with [Section 35.82.070 \(Design Review\)](#) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:

- a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
- b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design without negatively affecting neighborhood compatibility or the surrounding viewshed.
- c. The project site is located in a Rural Area as designated on the Comprehensive Plan maps and the proposed development is situated such that upon completion the new structure or alteration to an existing structure will not be visible from public roadways or other areas of public use (e.g., public trails, parks). Landscape screening shall not be taken into consideration when determining whether the project is visible from public use areas.
- ed. If the Board of Architectural Review grants an exemption to the 16 foot height limit for a non-agricultural structure located within the rural area of the Toro Canyon Plan area, then the Board of Architectural Review shall adopt a written finding that describes how the project complies with the applicable exemption criteria above.

Exemptions allowed by the Director. The Director may exempt the following from compliance with these guidelines:

- (a) **Minor topographic variations.** ~~The Director may exempt a~~ A new structure or an alteration to an existing structure ~~from compliance with these guidelines if~~ when he determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully), such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.
- (b) **Additions to existing structures.** An addition to an existing structure that complies with all of the following standards:
 - (1) The gross floor area of the structure existing as of [the effective date of this ordinance] if located in the Coastal Zone or [the effective date of this ordinance] if located in the Inland area does not increase by more than 500 square feet.
 - (2) The elevation of the roof ridgeline of the addition is at or below the elevation of the highest roof ridgeline of the existing structure.
 - (3) The exterior appearance and style of the addition reflects that of the existing structure.
 - (4) The addition uses the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features of the existing structure.
 - (5) The addition is either located in an area of the project site such that the addition is not visible when viewed from down-slope due to the location of the existing

structure, or the addition is at the same finished grade where it is attached to the existing structure and is located in front of the existing structure when viewed from down-slope.

5.5 Special Care Homes.

Background. Presently, the County Land Use and Development Code permits special care homes serving 14 or fewer clients with a Coastal Development Permit or Land Use Permit whereas a home serving 15 or more clients requires a Minor Conditional Use Permit (MCUP). This reflects an ordinance amendment adopted in 1999 that raised the threshold for special care homes requiring a MCUP from seven to 14 clients. The current proposal would lower the threshold back to seven clients. This proposed change was requested by the Board of Supervisors in late 2007 (see Attachment E, December 4, 2007 Board letter).

Discussion and recommendation. State planning law (California Health and Safety Code Section 1566) provides special protections for special care homes serving six or fewer people including:

- It cannot be subject to any business taxes, local registration fees, use permit fees, or other fees that are not required of other family dwellings of the same type in the same zone.
- Such facilities are considered a residential, and not a commercial use of property and that the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property.
- Restrictions on building heights, setback, lot dimensions, or placement of signs may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.
- A conditional use permit, zoning variance, or other zoning clearance may not be required unless it is also required of a family dwelling of the same type in the same zone.

County Counsel has determined that local jurisdictions may regulate special care homes that provide care for more than six people, such that the County may adopt permit requirements that have the purpose of meeting legitimate, neutral zoning standards, e.g., to ensure that the proposed facility conforms to the neighborhood in terms of size, lighting, design and other factors, provided that that these factors are unrelated to the characteristics or health of the occupants of the proposed facility. In compliance with federal and state laws, a conditional use permit may be required to determine whether reasonable, non-discriminatory conditions should be imposed to conform the proposed use to the neighborhood.

However, a conditional use permit may not be used as the mechanism to exclude the facility from the neighborhood. Also, in establishing a threshold number of residents used to determine those special care homes that require a conditional use permit, the regulation may not discriminate against a special care home based on the number of occupants or the size of the facility by requiring conditions or imposing limits which would not be required of a “traditional” single-family dwelling. The conditional use permit may only impose conditions which affect a proposed special care home in the same manner as other dwellings, for example, to limit the size of the facility in order to achieve neighborhood compatibility. These protections are more thoroughly discussed in Attachment E.

The draft ordinance amendment revises the County Land Use and Development Code to require the approval of a Minor CUP (Zoning Administrator jurisdiction) for Special Care Homes serving more than six clients.

The Oversight Committee did not review this proposed process revision, nor was it reviewed by

the County Planning Commission during the workshops.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as explained in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and applicable community and area plans. In order to approve any application, the proposal still must be found consistent with the Comprehensive Plan and any applicable community and area plans.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance amendment is consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this amendment.

9.0 PROCEDURES

The Planning Commission may recommend approval, approval with revisions, or denial of staff's recommendations for the proposed amendment to the County Land Use and Development Code.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. Findings
- B. CEQA Exemption
- C. 08ORD-00000-00006
- D. April 9, 2008 Planning Commission workshop staff report
- E. December 4, 2007 Board letter

SANTA BARBARA MONTECITO PLANNING COMMISSION
Staff Report for Overall Sign Plans and Special Care Homes Ordinance Amendment

Hearing Date: May 21, 2008

Development Services Director: Dianne M. Black

Staff Report Date: May 2, 2008

Staff: Noel Langle

Case No.: 08ORD-00000-00007

Phone No.: 805.568.2067

Environmental Document: CEQA Guidelines Section 15061(b)(3)

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 08ORD-00000-00007) amending Division 35.2 - Montecito Zones and Allowable Land Uses, Division 35.3 - Montecito Site Planning and Other Project Standards, Division 35.4 - Montecito Standards for Specific Land Uses, and Division 35.7 - Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures for processing Overall Sign Plans and permitting Special Care Homes.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 08ORD-00000-00007 based upon the ability to make the appropriate findings.

Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Recommend that the Board of Supervisors adopt 08ORD-00000-00007, an amendment to Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission in compliance with Section 65855 of the Government Code and the Section 35.494.050 of the Montecito Land Use and Development Code. The Government Code and the Montecito Land Use and Development Code require that the Montecito Planning Commission, as the designated planning agency for the Montecito Community Plan area, review and consider proposed ordinance amendments and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND ANALYSIS

In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development staff work together to "Make the process easier to navigate, and more

time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process.

On April 16, 2008, the Montecito Planning Commission held a public workshop and discussed three possible process changes:

- Revisions to the Overall Sign Plan process (discussed below).
- Revising the Ridgeline/Hillside Development Standards to include additional exemptions from those standards and make other minor text clarifications.
- Shifting the permit process for freestanding (i.e., not roof-mounted) solar energy systems from a Land Use Permit to a Zoning Clearance process.

The draft ordinance attached to this report does not contain the proposed revisions to the Ridgeline/Hillside Development Standards due to the comments made both the public and your Commission during the workshop. Regarding the changes to the permit process for free-standing solar systems, your Commission indicated you were not interested in removing the public notice requirement for these systems at this time, and therefore this process change is also not included in the draft ordinance. However, staff is continuing to research how other jurisdictions permit freestanding systems, and may return to your Commission with a more comprehensive amendment in the future.

4.1 Overall Sign Plans.

Under the existing regulations, Overall Sign Plans, which are required for all shopping centers, may be submitted after action on the Development Plan for the shopping center has already occurred. This requires the submission of a new application and payment of new fees, and a new public hearing on the Overall Sign Plan before the Montecito Planning Commission. In the interest of making the process more efficient, the Planning and Development Department is recommending that applications for Overall Sign Plans be required to be submitted concurrently with the application for the Development Plan for the shopping center so that they are heard at the same time by the Montecito Planning Commission. Design review for the Overall Sign Plan would occur along with the design review for the shopping center. The names of the proposed retail outlets would not have to be specified at this time, only the size(s), colors, materials and locations of the individual signs. Changes to an approved Overall Sign Plan would be accommodated in the same manner as changes to an approved Development Plan, e.g., through a substantial conformity determination or amendment approved by the Director, or, if the change is extensive, through a revised Overall Sign Plan that would be heard by the Montecito Planning Commission.

The Oversight Committee supports the proposed process revisions for Overall Sign Plans. The Montecito Planning Commission discussed this proposal at a public workshop on April 16, 2008 and indicated that this process change would be beneficial without compromising the quality of signs at shopping centers.

4.2 Special Care Homes.

The proposed change to the processing of special care homes was requested by the Board of Supervisors in late 2007 (see Attachment D, December 4, 2007 Board letter). State planning law (California Health and Safety Code Section 1566) provides special protections for special care homes serving six or fewer people including:

- It cannot be subject to any business taxes, local registration fees, use permit fees, or other fees that are not required of other family dwellings of the same type in the same zone.
- Such facilities are considered a residential, and not a commercial use of property and that the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property.
- Restrictions on building heights, setback, lot dimensions, or placement of signs may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.
- A conditional use permit, zoning variance, or other zoning clearance may not be required unless it is also required of a family dwelling of the same type in the same zone.

Presently, the Montecito Land Use and Development Code permits special care homes serving 14 or fewer clients with a Coastal Development Permit or Land Use Permit whereas a home serving 15 or more clients requires a Conditional Use Permit (CUP). This reflects an ordinance amendment adopted in 1999 that raised the threshold for special care homes requiring a CUP from seven to 14 clients. The current proposal would lower the threshold back to seven clients.

County Counsel has determined that local jurisdictions may regulate special care homes that provide care for more than six people, such that the County may adopt permit requirements that have the purpose of meeting legitimate, neutral zoning standards, e.g., to ensure that the proposed facility conforms to the neighborhood in terms of size, lighting, design and other factors, provided that that these factors are unrelated to the characteristics or health of the occupants of the proposed facility. In compliance with federal and state laws, a CUP may be required to determine whether reasonable, non-discriminatory conditions should be imposed to conform the proposed use to the neighborhood. However, a CUP may not be used as the mechanism to exclude the facility from the neighborhood. Also, in establishing a threshold number of residents used to determine those special care homes that require a CUP, the regulation may not discriminate against a special care home based on the number of occupants or the size of the facility by requiring conditions or imposing limits which would not be required of a "traditional" single-family dwelling. These protections are more thoroughly discussed in Attachment D.

The Oversight Committee did not review this proposed process revision, nor was it reviewed by the Montecito Planning Commission at the April 16, 2008 workshop.

5.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as explained in Attachment B.

6.0 POLICY CONSISTENCY

Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the Montecito Community Plan. In order to approve any development, the proposed development still must be found consistent with the Comprehensive Plan and the Montecito Community Plan.

7.0 ORDINANCE COMPLIANCE

The proposed ordinance amendment is consistent with the remaining portions of the Montecito LUDC that would not be revised by this amendment.

8.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of staff's recommendations for the proposed amendment to the Montecito LUDC.

9.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

10.0 ATTACHMENTS

- A. Findings
- B. CEQA Exemption
- C. 08ORD-00000-00007
- D. Board of Supervisors letter, December 4, 2007

ATTACHMENT G: 12/4/2007 BOARD AGENDA LETTER



**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: November 20, 2007
Placement: Set Hearing
Estimated Tme: 1 hour on December 4, 2007
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: Permitting Special Care Homes in Residential Zones Based on the Number of Clients Served

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On November 20, 2007 set a hearing on December 4, 2007 for the Board of Supervisors to:

- A. Receive this report on legal restrictions regarding the number of clients residing in special care homes located in residential areas; and
- B. Consider whether to direct the Planning and Development Department to return with ordinance amendments.

Summary Text: The discussion below reviews the County's current permit process for special care facilities and limits on local regulations resulting from state and federal protections for such facilities. This information is submitted in response to questions from the Board of Supervisors as to whether special care facilities with a maximum of 14 clients should be allowed with a ministerial Land Use Permit or a discretionary Conditional Use Permit, since State law only requires a ministerial permit for special care facilities having six or fewer clients.

After reviewing the existing state and federal regulations and court decisions on this matter, the conclusion is that the County may require a Conditional Use Permit for special care facilities where the number of clients exceeds six. However, the purpose of the requirement is limited to ensuring that the proposed facility conforms to the neighborhood in regards to size, lighting, design and other factors that are unrelated to the characteristics or illness of the occupants of the proposed facility, and it may not act to unduly prohibit the development of such facilities.

A. Background.

On September 1, 1999, the Planning and Development Department presented a general package of ordinance amendments to the Planning Commission for their consideration. Included in that package was a proposal to change the permit requirement for special care homes serving more than six clients from a discretionary minor Conditional Use Permit in all zones to:

1. A ministerial Land Use Permit for facilities located in the agricultural and residential zones that serve seven to 12 clients provided that there is only one kitchen and that certain development standards regarding parking and compatibility with the surrounding neighborhood are met; and
2. A minor Conditional Use Permit for facilities located:
 - a. In the agricultural and residential zone for facilities that serve 13 or more clients; and
 - b. All other zones regardless of the number of clients.

At this hearing the Planning Commission declined to recommend approval of the proposed revisions to the Board of Supervisors. However, on November 16, 1999, the Planning and Development Department presented these same proposed revisions to the Board of Supervisors along with the other amendments contained in the general package of amendments.

At this hearing, in response to testimony and materials presented by the Santa Barbara Mental Health Association regarding the need for such facilities in Santa Barbara County, the Board modified staff's proposal and adopted an ordinance that provided in part that:

1. A special care facility that serves seven to 14 clients may be allowed with a Land Use Permit in the agricultural and residential zones in compliance with development standards regarding the allowed number of kitchens, parking and neighborhood compatibility; and
2. A special care facility that is either (a) located in agricultural and residential zones and serves 15 or more clients or (b) is located in a zone other than agricultural or residential, may be allowed with a minor Conditional Use Permit.

B. Restrictions on local regulation.

The County may adopt zoning standards regulating special care facilities provided that they do not conflict with federal and state laws, including the prohibition against discriminating against persons with disabilities in violation of the Federal Fair Housing Amendments Act of 1988.

1. **State exemption for special care homes serving six or fewer people.** California Health and Safety Code Section 1566 provides special protections for special care homes serving six or fewer people including:
 - a. It cannot be subject to any business taxes, local registration fees, use permit fees, or other fees that are not required of other family dwellings of the same type in the same zone.
 - b. Such facilities are considered a residential, and not a commercial use of property and that the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property.
 - c. Restrictions on building heights, setback, lot dimensions, or placement of signs may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.

- d. A conditional use permit, zoning variance, or other zoning clearance may not be required unless it is also required of a family dwelling of the same type in the same zone.
2. **Fair housing laws.** The ability of local government to regulate special care facilities is also limited by federal and state fair housing laws and court decisions that have interpreted those laws.
- a. **Non-discriminatory requirement.** The federal Fair Housing Amendments Act of 1988 extends fair housing protections to individuals with disabilities. California's Fair Housing and Employment Act specifically prohibits discriminatory restrictions against group housing for persons with disabilities. Therefore, zoning ordinances that act to unduly restrict congregate living arrangements for persons with disabilities can constitute discrimination under both federal and state fair housing laws.
 - b. **Cannot be characterized as a commercial establishment for zoning purposes.** Special care facilities for individuals with disabilities function as a residential use and do not become a commercial use which may be excluded by zoning regulations simply because residents pay to live there and services are provided. Fair housing laws require that special care homes be treated the same as similarly sized and situated residences, and jurisdictions are prohibited from singling out congregate living arrangements for people with disabilities and imposing restrictions on them that are not also imposed on similar residences for non-disabled persons.
 - c. **Occupancy standards in residential dwellings.** The Fair Housing Act does allow reasonable restrictions regarding the maximum number of occupants permitted to occupy a building. However, maximum occupancy limits are permissible only if applied equally to all residents and do not operate to discriminate on the basis of disability.
 - (1) **Minimum space requirements.** Zoning may impose occupancy restrictions such as a neutral standard based on the amount of living area per resident. In California such restriction is limited by Uniform Housing Code Section 503.2 that requires every dwelling unit to contain at least one room with at least 120 square feet, with other habitable rooms (except kitchens) containing at least 70 square feet and with sleeping rooms increased by 50 square feet for each occupant beyond the first two.
 - (2) **Family requirements.** Zoning may also impose occupancy restrictions based on familial status; however, an ordinance that limits the number of unrelated persons that may live together in a single-family residential zone through a restrictive definition of family has a discriminatory effect. The County cannot distinguish between families and unrelated individuals living together as a single housekeeping unit.
 - d. **Conditional use permit requirement.** Local jurisdictions may regulate facilities that provide care for more than six people, such that the County may adopt permit requirements that have the purpose of meeting a legitimate, neutral zoning standard. A conditional use permit (CUP) may be required to determine whether reasonable, non-discriminatory conditions, unrelated to the characteristics or illness of the occupants of the proposed facility, should be imposed to conform the proposed use to the neighborhood. A CUP may not be used as the mechanism to exclude the facility from the neighborhood. However, in establishing a threshold number of residents used to determine those facilities that require a CUP and those that do not, the regulation may not discriminate against a special care home based on the number of occupants or the size of the facility by requiring conditions or

imposing limits which would not be required of a “traditional” single-family dwelling. The CUP may also impose conditions which affect a proposed facility in the same manner as other dwellings, for example, to limit the size of the facility in order to achieve neighborhood compatibility.

C. Inventory of existing residential special care facilities in unincorporated Santa Barbara County.

The following table provides an inventory of the existing residential special care facilities located in the unincorporated area of Santa Barbara County. The list does not contain the larger residential facilities (e.g., rest homes, assisted living facilities).

**RESIDENTIAL SPECIAL CARE FACILITIES LOCATED IN
 UNINCORPORATED SANTA BARBARA COUNTY**

Licensed Capacity of Facility	Number of Facilities at this Capacity	Permit Type/Year Approved (If Capacity Exceeds 6)
GOLETA - SANTA BARBARA		
6 or fewer	21	n/a
14	1	LUP/2004 (1)
LOMPOC		
6 or fewer	5	n/a
MONTECITO		
6 or fewer	1	n/a
8	1	CUP/1988 (2)
ORCUTT - SANTA MARIA		
6 or fewer	23	n/a
8	1	no data
10	1	no data
SANTA YNEZ VALLEY		
6 or fewer	2	n/a

Notes:

- (1) Permitted after the number allowed under a Land Use Permit was increased in December 1999.
- (2) Permitted before the number allowed under a Land Use Permit was increased in December 1999.

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:

Legal Positions

0

FTEs:

0

Special Instructions:

None.

Attachments:

None.

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