

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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## Agenda Number:

**Prepared on:** September 9, 2005  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** September 20, 2005  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** YES  
**If Yes, date from:** August 16, 2005  
**Document File Name:**

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF:** Anne Coates (934-6262)

**CONTACT:** Development Review Division

**SUBJECT:** Zoning Ordinance Reformatting Project (ZORP)

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## RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve Option # 4 as the format for the Land Use and Development Code;
2. Direct staff to return to present a Final Draft of the Land Use and Development Code after the County Planning Commission and the Montecito Planning Commission has reviewed and provided recommendations.

[Estimated length of hearing: 1 hour (10 minutes for staff presentation and 55 minutes for public comment and BOS discussion)]

## ALIGNMENT WITH BOARD STRATEGIC PLAN:

The recommendation(s) are primarily aligned with: Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 5, A High Quality of Life for All Residents; Goal No. 6, A County Government that is Accessible, Open, and Citizen-Friendly.

## BACKGROUND INFORMATION:

On February 15, 2005, the Board of Supervisors received a progress report on the Zoning Ordinance Reformatting Project (ZORP) and directed staff to return at a future hearing to present formatting recommendations for the proposed new Land Use and Development Code (LUDC).

The ZORP team was established as part of the department's Process Improvement efforts under direction of the Board of Supervisors in December 2003 to evaluate the current Zoning Ordinances and formulate a recommendation to alleviate identified problems. It was determined by the Board that reformatting the Zoning Ordinances was a crucial and necessary first step before any future substantive changes could be logically evaluated. It was anticipated that substantive changes would be addressed at a later date.

The ZORP team includes community representatives from throughout the County, including architects, attorneys, permit processors, community interest group representatives, P&D staff, and the consulting firm of Crawford Multari & Clark Associates (CMCA). The Board of Supervisors approved the consulting services contract with CMCA in December 2003, and affirmed the priority of the ZORP efforts in March and May 2005. The ZORP team's analysis of the zoning ordinance identified problems such as: unintentional and conflicting inconsistencies throughout Articles II, III, and IV, scattered project-relevant information, and vaguely written language and definitions, all of which contribute considerably to the overall complexity of the documents, leading to frequent inconsistent application of regulations. In addition, the County's current zoning ordinance, which is excessively voluminous (consisting of over 1,500 pages), further contributes to a cumbersome permit processing system.

The ZORP team determined that reformatting five of the most frequently used Zoning Ordinance Articles (Articles I, II, III, IV, and V), would lead to a more concise source of information for staff and the public, would result in fewer unintentional inconsistencies, and would provide for more intuitive locations for project-relevant information.

#### **EXECUTIVE SUMMARY AND DISCUSSION:**

During the months following the February 15, 2005 Board of Supervisors hearing, three<sup>1</sup> potential formatting "Options" for a new Land Use & Development Code (LUDC) were presented to both the Montecito and County Planning Commissions. On April 20, 2005, the Montecito Planning Commission voted unanimously (5-0 vote) for Option #3, which as outlined, would create a separate LUDC for the Montecito planning area in its entirety and a separate LUDC for the remaining geographical areas of the county resulting in two documents. On May 4<sup>th</sup> and 11<sup>th</sup>, 2005, the County Planning Commission supported (three individuals) for Option #1, the Consolidated County-wide LUDC and (two individuals) for Option # 3. The Consolidated County-wide LUDC would result in one single document by combining Articles I, II, III, IV, and V.

In early June 2005, a new option (Option # 4)<sup>2</sup> was introduced by the CEO's office, which includes a Phase 1 component of reformatting and consolidating Articles I, II, III, and V into one document, and a Phase 2 component of reformatting the existing Article IV as a separate

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<sup>1</sup> A full description of the three Options, including an analysis of the advantages and disadvantages with respect to the goals of ZORP, is included as Attachment A, B, and C, to this Staff letter.

<sup>2</sup> A full description of Option # 4, including an analysis of the advantages and disadvantages with respect to the goals of ZORP, is included as Attachment D to this Staff letter.

document. Since that time, Option # 4 was presented to both the Montecito and County Planning Commissions. On August 17, 2005, the Montecito Planning Commission voted unanimously for Option #4, which as outlined Phase 1 and 1A, would result in two documents; one document would be a partially consolidated "Countywide" LUDC (which includes Coastal Montecito but not Inland Montecito), and the second document would be a reformatted version of Article IV (Inland Montecito). In addition, Option # 4 would eventually lead to the creation of a separate stand-alone LUDC for the Montecito planning area in its entirety over the course of the next one to two years. This stand-alone document would ultimately replace the reformatted Article IV, thus still resulting in only two documents.

On September 7, 2005, the County Planning Commission supported (four individuals) in favor of Option # 4 (as described above). The remaining Commissioner (one individual) was in support of Option #1, the Consolidated County-wide LUDC, which would result a single document by combining Articles I, II, III, IV, and V. In addition, the Process Improvement Team (PIT) Oversight Committee also met on September 7, 2005 and voted (5 votes) to support Option #1, the Consolidated County-wide LUDC and (3 votes) for Option # 4.

The Montecito Ad-Hoc ZORP Committee members accept Option # 4 over Option # 3, with the understanding per the attached Agreement (Attachment E), that once the County has adopted these two documents, the Montecito community would, at their expense and staffing, begin an effort to combine the reformatted Article IV and the Montecito portions of Articles I, II, and V into a complete "stand-alone" Montecito LUDC. County staff would be available at the County's expense on a limited basis to review the "stand-alone" Montecito LUDC for accuracy and completeness only, with the expectation that Montecito would be responsible for editing the actual work product. Once the stand-alone Montecito LUDC is prepared in a Final Draft format, County staff would be responsible for taking the document through the hearing process including certification by the Coastal Commission. Any requested modifications, alterations, edits, etc., arising from public hearings would be completed in a similar manner as outlined above, where Montecito would make the revisions, County staff would review and comment, and Montecito would follow-through with the actual edits. County staffing costs available for this effort would be limited to approximately \$10,000.

The ZORP Committee, including the Montecito Ad-Hoc members and the CEO's office are united in their dedication to preserve community uniqueness for each of the individual planning areas within the County of Santa Barbara and seek to continue to search for innovative mechanisms to enhance these efforts once an "Option" is selected. Therefore, the ZORP Committee requests that the Board of Supervisors approve Option # 4, accept the Agreement, direct staff to proceed with the preparation of the Final Draft LUDC, and direct staff to return for Final Adoption in January 2006.

#### **CURRENT STATUS OF DELIVERABLES:**

P&D staff members of the ZORP team have received approximately 90% of the proposed draft of the LUDC from Crawford Multari & Clark Associates. It is anticipated that the Final Draft Land Use Development Code and the associated environmental document would be delivered by Crawford Multari & Clark Associates on October 14, 2005 and available for the public on November 23, 2005. It is proposed that the Final Draft LUDC would be presented to the

Montecito and County Planning Commissions in late 2005, and staff would return to your Board in January 2006 for Final Adoption.

**MANDATES AND SERVICE LEVELS:**

This effort is not mandated. Service levels are expected to increase as a result of implementation of PIT and Zoning Ordinance Reformatting Project team recommendations.

**FISCAL AND FACILITIES IMPACTS:**

The consultant contract for Crawford, Multari & Clark Associates to complete the ordinance update is funded by FY 2002-03 departmental savings that were retained by the Department and re-budgeted in the FY 2005-06 adopted budget. Staff costs to-date are, \$161,805, staff costs are projected to be \$176,042. Contract costs to-date are, \$116,400, with a remaining balance of \$60,216 for a total contract cost of \$176,616. These funds are budgeted in the Permitting and Compliance Programs of the Development Review South and Development Review North Divisions on pages D-294 and D-296 of the County's Adopted FY 2005-06 budget.

**SPECIAL INSTRUCTIONS:**

None.

**CONCURRENCE:**

None.

**ATTACHMENTS:**

- A. Option # 1: Consolidated Approach
- B. Option # 2: Complete Coastal / Complete Inland Approach
- C. Option # 3: Complete Montecito / Complete Non-Montecito Approach
- D. Option # 4: Partial Consolidated Approach (Including Article I, II, III, and V)
- E. Agreement – Montecito ZORP Ad-Hoc/CEO's Office