

ATTACHMENT C: 11ORD-00000-00012 COUNTY LUDC ORDINANCE AMENDMENT

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 ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 11ORD-00000-00012

The Board of Supervisors of the County of Santa Barbara 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 A, Allowable land uses, of Section 35.20.030, Allowable Development and Planning Permit Requirements, of Chapter 35.20, Development and Land Use Approval Requirements, to read as follows:

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.21 through 35.28, together with the type of planning permit required for each use. Each listed land use type is defined in Article 35.11 (Glossary).
- 1. Establishment of an allowable use.** Any land use identified by Chapters 35.21 through 35.28 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below, and compliance with all applicable requirements of this Development Code.
 - 2. Use not listed.** A land use not listed in Chapters 35.21 through 35.28 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.
 - 3. Similar and compatible use may be allowed.** In addition to uses allowed in compliance with Subsection A.3.b, below, in the following zones the Commission may determine that a proposed use not listed in this Chapter is allowable in compliance with Section 35.82.190 (Use Determinations).
 - a. Applicable zones:**
 - (1) C-1 (Limited Commercial);
 - (2) C-2 (Retail Commercial);
 - (3) C-3 (General Commercial);
 - (4) CH (Highway Commercial);
 - (5) CM - LA (Community Mixed Use - Los Alamos)
 - (6) CN (Neighborhood Commercial);
 - (7) CS (Service Commercial);
 - (8) M-1 (Light Industry);
 - (9) MRP (Industrial Research Park);
 - (10) OT-R/GC (Old Town Residential/General Commercial);
 - (11) OT-R/LC (Old Town Residential/Light Commercial);

- (12) PI (Professional and Institutional);
 - (13) PU (Public Utilities);
 - (14) REC (Recreation);
 - (15) SC (Shopping Center); and
 - (16) TC (Transportation Corridor).
- b. Special provisions for the SC (Shopping Center) zone.** In the SC (Shopping Center) zone the Director may determine that a proposed use not specifically listed as an permitted use within Table 2-19 (Allowable Land Uses and Permit Requirements for the SC Zone) of 35.24.070 (i.e., where the permit requirement is denoted with a “P”) may also be allowed as a permitted use within an existing, developed shopping center in compliance with Section 35.82.190 (Use Determinations).
- (1) Applications for Use Determinations not associated with an existing, developed shopping center are under the jurisdiction of the Planning Commission.
- c. Applicable standards and permit requirements.** When the ~~Commission~~ review authority determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

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 amend Subsection B.2.g (Onsite wastewater treatment systems) of Section 35.20.040 (Exemptions from Planning Permit Requirements) of Chapter 35.20, Development and Land Use Approval Requirements, to read as follows:

- g. Onsite wastewater ~~disposal~~ treatment systems.**
- (1) Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal, except for lots in ~~designated~~ a Special Problem Areas that is designated as such due to sewage disposal constraints.
 - (2) The replacement of all or any portion of an onsite wastewater treatment system, including alternative wastewater treatment systems, on a lot in a ~~designated~~ Special Problem Area that is designated as such due to sewage disposal constraints, provided that the replacement system is installed in substantially the same area as the existing system.

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, to delete “Abalone shell processing” from the Agricultural, Mining and Energy Facility portion of Table 2-1 as follows:

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	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
	AG-I	AG-I CZ	AG-II	AG-II CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Abalone shell processing	—	—	CUP	CUP	
Agricultural accessory structure	P	P	P	P	35.42.020
Agricultural processing - On-premise products	P	P	P	P	35.42.040
Agricultural processing - Off-premise products	—	CUP	CUP	CUP	35.42.040
Agricultural processing - Extensive	—	—	CUP(3)	—	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	S	S	35.42.060
Aquaculture	—	—	CUP	CUP	35.42.070
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Grazing	E	E	E	E	
Greenhouse	P	P	P	P	35.42.140
Mining - Agricultural soil export	—	—	MCUP	—	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards	P(4)	CUP	P(4)	P	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	CUP	P	35.82.160
Oil and gas uses	S	S	S	S	35.5
Winery	S	—	S	CUP	35.42.280

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Composting facility	MCUP	—	MCUP	—	35.42.100
Fertilizer manufacturing	—	—	CUP(3)	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Country club	CUP	—	CUP	—	
Equestrian facilities	CUP	CUP	P	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	—	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	—	CUP	—	
Rural recreation	—	—	CUP	CUP	35.42.240
School	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay.”
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, than a CUP is required.

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 Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to add a new Subsection C, Accessory storage of materials, to read as follows:

C. Accessory storage of materials. Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish storage of materials except when 1) this Subsection C. requires a permit for a specific type of storage, or 2) the storage includes the construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or 3) the storage is not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.23.050.C shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations.

(1) Same or adjacent lot. The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

(a) There is a valid building permit or planning permit in effect for the construction project; and

(b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

(2) Construction related to an approved Final Development Plan. The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

2. Outdoor storage of miscellaneous materials. The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is a valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. Area occupied by stored materials.

(1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

<u>Lot Area (gross)</u>	<u>Maximum Allowed Area of Storage</u>
<u>Less than 10,000 sq. ft.</u>	<u>300 sq. ft.</u>

<u>10,000 sq. ft. to less than 1 acre</u>	<u>500 sq. ft.</u>
<u>1 acre or larger</u>	<u>1,000 sq. ft.</u>

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. Maximum height of stored materials:** Five feet.
- c. Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall.
- d. Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with Section 35.23.050 (Residential Zones Development Standards).
- e. Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- f. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

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 Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to add a new Subsection D, Accessory storage of materials, to read as follows:

- D. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Subsection D) on a motor vehicle is allowed only in compliance with the following standards. This Subsection D. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection D. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection C. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).

4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections D.1 through D.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections D.1 through D.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection D.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

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 amend Table 2-14, Allowed Land Use and Permit Requirements for Commercial Zones, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	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	

RETAIL TRADE

Auto and vehicle sales and rental	—	—	—	P	P	
Bar, tavern	—	—	—	P(3)	P(3)	
Building and landscape materials sales - Indoor	—	—	—	MCUP	MCUP	
Building and landscape materials sales - Outdoor	—	—	—	MCUP	MCUP	
Convenience store, less than 3,000 sf or less net floor area	P(4)	P(5)	P	P	P	
Convenience store, 3,000 sf or more net floor area	P(4)	P(5)	P	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	—	—	—	—	
Fuel dealer	—	—	—	—	—	
General retail	P(4)	P(5)	P	P	P	
Grocery/food store, 3,000 sf or less	P(4)	P(5)	P	P	P	
Grocery/food store, 5,000 sf or less	—	P(5)	P	P	P	
Grocery/food store, more than 5,000 sf	—	P(5)	P	P	P	
Mobile home, boat, and RV sales and repair	—	—	—	MCUP	MCUP	
Office supporting retail	P(4)	P(5)	P	P	P	
Plant nursery	—	P	P	P	P	
Restaurant, café, coffee shop - Indoor and outdoor	—	P	P	P(3)	P(3)	
Restaurant, café, coffee shop,- Within an office building	—	—	—	—	—	
Service station	MCUP	MCUP	MCUP	P	P	
Shopping center - Community	—	—	—	—	—	
Shopping center - Convenience	—	—	—	—	—	
Swap meet	—	—	—	CUP	CUP	
Truck stop	—	—	—	—	—	

Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	—	MCUP	MCUP	
Visitor-serving commercial	—	—	—	P	P	

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 definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) ~~Includes microbreweries that are accessory and secondary to a bar or restaurant .~~ May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (4) Limited to establishments that supply commodities to meet the day-to-day needs of residents in the neighborhood.
- (5) Limited to establishments that supply commodities to the residences in the neighborhood.

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 2-19, Allowable Land Uses and Permit Requirements for the SC Zone, of Section 35.24.080, SC Zone Additional Standards, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-19 - Allowable Land Uses and Permit Requirements for the SC Zone

Land Use Type	Permit Requirement	
	Convenience Center	Community Center
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
Commercial recreation - Indoor	CUP	CUP
Theater	CUP	CUP
RETAIL TRADE (1)		
Apparel store	—	P
Certified farmers market	MCUP	MCUP
Book store	—	P
Certified farmers market	MCUP	MCUP
Department store	—	P
Drive-in and drive-through facilities	CUP	CUP
Drug store	P	P
Furniture, furnishings, and appliance/equipment store	P	P
Grocery/food store	P	P
Hardware store	P	P
Jewelry store	—	P
Liquor store	P	P
Pet-shop	P	P
Restaurant, café, coffee shop, bar, deli	P	P
Service station	MCUP	MCUP
Service station as part of a shopping center	P	P
Sporting goods store	—	P
Variety store	—	P
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL (1)		
Bank - Branch facility	P	P
Drive-through facility	CUP	CUP
Medical services - Animal hospital, small animals	P	P
Offices, 20% or less gross floor area within center	P	P
Offices, more than 20% of gross floor area within center	CUP	CUP
SERVICES - GENERAL (1)		
<u>Barber and beauty shop</u>	<u>P</u>	<u>P</u>
Child care center, Non-residential	MCUP	MCUP

Child care center, Non-residential, accessory	P	P
Laundromats	P	P
Laundry and dry cleaning pick-up stores (2)	P	P
Shoe repair	P	P

Notes:

- (1) The Director may determine that a proposed use not specifically listed as an permitted use within Table 2-19 may also be allowed as a permitted use in compliance with Section 35.20.030.A.3.b.
- (42) ~~Personal services in the SC zone are limited to barber and beauty shops, laundry and dry cleaning pick-up stores not~~ Not exceeding a maximum floor area of 2,000 square feet; laundromats, and shoe repair.

SECTION 8:

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 Section 35.36.100, Standards for Residential Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to add a new Subsection K, Exterior Parking, to read as follows:

K. Exterior parking. The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection K) of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is not required to establish exterior parking except when 1) this Subsection 35.36.100.K requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or 3) the parking is not in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.36.100.K shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Current registration or certificate of non-operation required. All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

2. Limitation on number.

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

(1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:

- (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
- (b) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area

except that:

- (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
- (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
- (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

b. Additional parking allowed. In addition to exterior parking allowed in compliance with Subsection K.2.a, above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.

- (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

<u>Lot Area (net)</u>	<u>Maximum Allowed Number of Vehicles</u>	<u>Maximum Allowed Parking Area</u>
<u>Less than 10,000 sq. ft.</u>	<u>1</u>	<u>140 sq. ft.</u>
<u>10,000 sq. ft. to less than 20,000 sq. ft.</u>	<u>3</u>	<u>420 sq. ft.</u>
<u>20,000 sq. ft. or larger</u>	<u>5</u>	<u>700 sq. ft.</u>

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

3. Additional standards for inoperative motor vehicles. The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections K.1 and K.2, above:

- a. Vehicles shall not be parked on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
- b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
- d. The parking of inoperative motor vehicles regulated under Subsection 35.23.050.D (Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.

4. Modifications to standards allowed with a Minor Conditional Use Permit. Parking of motor vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

5. Noncompliance deemed a violation of this Development Code. As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection K.4, above, shall be considered a

violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

SECTION 9:

DIVISION 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 F.1, Household pets, of Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

1. **Household pets.** Where allowed in Table 4-1 through Table 4-8, household pets shall be kept in compliance with the following standards: The restrictions contained in this Subsection F.1 shall not apply if an animal may be kept in compliance with a different “Type of Animal or Animal Keeping Activity” listed in Table 4-1 through Table 4-8 for the applicable zone.
 - a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - b. There shall be no more than three dogs permitted on a single lot.
 - c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - f. No rooster or peacock shall be kept or raised on the lot.

SECTION 10:

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 4-1, Animal Keeping in Agricultural Zones: AG-I, AG-I CZ, AG-II, AG-II CZ; Table 4-2, Animal Keeping in Resource Management Zones: MT-GOL, MT-TORO, MT-TORO CZ, RMZ, RMZ CA; Table 4-3, Animal Keeping in Residential Zones, RR, RR CZ, R-1/E-1, R-1/E-1 CZ, EX-1, EX-1 CZ; Table 4-4, Animal Keeping in Residential Zones, R-2, R-2 CZ, DR, DR CZ, MR-O, PRD, PRD CZ; Table 4-5, Animal Keeping in Residential Zones, SLP, SR-M CZ, SR-H CZ, MHP, MHP CZ, MHS; Table 4-6, Animal Keeping in Commercial Zones, CN, C-1, C-1 CZ, C-2, C-2 CZ, C-3, CS, CH, CH CZ, CV, CV CZ, PI PICZ; Table 4-7, Animal Keeping in Industrial Zones, MR-P, MR-P CZ, M-1, M-2, M-CR, M-CR CZ, M-CD; and Table 4-8, Animal Keeping in Special Purpose Zones, MU, NTS, OT-R, OR-R/LC, OT-R.GC, PU, PU CZ, REC, REC CZ TC; of Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-3		E	Allowed use, no permit required (Exempt)	
		P	Permitted Use, Land Use or Coastal Permit Required	
		MCUP	Minor Conditional Use Permit	
		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Animal Keeping in Residential Zones: RR, RR CZ, R-1/E-1, R-1/E-1 CZ, EX-1, EX-1 CZ				
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Animal Husbandry project	RR	E	As provided below for different animal types	35.42.060.F.2
	R-1/E-1	E		
	EX-1	E		
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres	35.42.060.F.2
	RR CZ	E	1 animal per 20,000 sf	
	R-1/E-1	E	1 animal per 20,000 sf with a maximum of 5 animals per lot	
	EX-1	E		
Commercial boarding and raising of animals for members of the public	RR	MCUP	None	35.42.060.F.2
	R-1/E-1	—		
	EX-1	—		
Dogs (3)	RR	E	3	
	R-1/E-1	E		
	EX-1	E		
Goats and sheep (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres	35.42.060.F.2
	RR CZ	E	3 animals per 20,000 sf	
	R-1/E-1	E	1 animal per 20,000 sf; maximum 3 animals per lot	
	EX-1	E		
Hogs and swine (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres; maximum 5 animals per lot	35.42.060.F.2
	RR CZ	E	3 animals per 20,000 sf; maximum 3 animals per lot	
	R-1/E-1	E	1 animal per 20,000 sf; maximum 3 animals per lot	
	EX-1	E		
Household pets	RR	E	35.42.060.F.1	35.42.060.F.1
	R-1/E-1	E		
	EX-1	E		
Kennel, commercial	RR	CUP	None	
	R-1/E-1	CUP		
	EX-1	—		
Kennel, non-commercial (3)	RR	MCUP	None	
	R-1/E-1	MCUP		
	EX-1	MCUP		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	RR	E	None	35.42.060.F.2
	R-1/E-1	E		
	EX-1	E		
Wildlife species rehabilitation	RR	E	None	35.42.060.F.4
	R-1/E-1	E		
	EX-1	E		

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., ~~AG-1~~ RR and ~~AG-1~~ CZ RR CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

Table 4-4		E	Allowed use, no permit required (Exempt)	
		P	Permitted Use, Land Use or Coastal Permit Required	
		MCUP	Minor Conditional Use Permit	
		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Animal Keeping in Residential Zones: R-2, R-2 CZ, DR, DR CZ, MR-O, PRD, PRD CZ				
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	
			Additional Regulations	
Animal husbandry project	R-2	E	1 large hoofed animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hoofed animal (not including cattle or horses) if lot is a minimum of	35.42.060.F.2
	DR	E(5)		
	MR-O	—		
	PRD	—		
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	R-2	E	1 animal per 20,000 sf, maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Commercial boarding and raising of animals for members of the public	R-2	—		
	DR	—		
	MR-O	—		
	PRD	—		
Commercial livestock feed or sales yard	R-2	—		
	DR	—		
	MR-O	—		
	PRD	—		
Dogs	R-2	E	3	
	DR	E		
	MR-O	—		
	PRD	—		
Goats and sheep (3)	R-2	E	1 animal per 20,000 sf, maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Hogs and swine (3)	R-2	E	1 animal per 20,000 sf, maximum 3 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Household pets	R-2	E	None 35.42.060.F.1	35.42.060.F.1
	DR	E		
	MR-O	E		
	PRD	E		
Kennel, commercial	R-2	CUP	None	
	DR	CUP		
	MR-O	—		
	PRD	—		
Kennel, non-commercial (3)	R-2	MCUP	None	
	DR	MCUP		
	MR-O	—		
	PRD	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	R-2	E	None	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Wildlife species rehabilitation	R-2	E	None	35.42.060.F.4
	DR	E		
	MR-O	—		
	PRD	E		

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., ~~AG-1 R-2~~ and ~~AG-1 CZ R-2 CZ~~).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

Table 4-5			
Animal Keeping in Residential Zones: SLP, SR-M CZ, SR-H CZ, MHP, MHP CZ, MHS		E	Allowed use, no permit required (Exempt)
		P	Permitted Use, Land Use or Coastal Permit Required
		MCUP	Minor Conditional Use Permit
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Animal husbandry project	SLP	—	
	SR-M CZ	—	
	SR-H CZ	—	
	MHP	—	
	MHS	—	
Household pets	SLP	— <u>E</u>	<u>35.42.060.F.1</u>
	SR-M CZ	— <u>E</u>	
	SR-H CZ	— <u>E</u>	
	MHP	— <u>E</u>	
	MHS	— <u>E</u>	
Kennel, non-commercial	SLP	—	
	SR-M CZ	—	
	SR-H CZ	—	
	MHP	—	
	MHS	—	
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits	SLP	—	
	SR-M CZ	—	
	SR-H CZ	—	
	MHP	—	
	MHS	—	
Wildlife species rehabilitation	SLP	E	35.42.060.F.4
	SR-M CZ	E	
	SR-H CZ	E	
	MHP	E	
	MHS	E	

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., ~~AG-1~~ MHP and ~~AG-1CZ~~ MHP CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.

Table 4-6 Animal Keeping in Commercial Zones: CN, C-1, C-1 CZ, C-2, C-2 CZ, C-3, CS, CH, CH CZ, CV, CV CZ, SC, PI, PI CZ		E	Allowed use, no permit required (Exempt)
		P	Permitted Use, Land Use or Coastal Permit Required
		MCUP	Minor Conditional Use Permit
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Household pets	<u>CN</u>	<u>E</u>	35.42.060.F.1
	<u>C-1</u>	<u>E</u>	
	<u>C-2</u>	<u>E</u>	
	<u>C-3</u>	<u>E</u>	
	<u>CS</u>	<u>E</u>	
	<u>CH</u>	<u>E</u>	
	<u>CV</u>	<u>E</u>	
	<u>SC</u>	<u>E</u>	
Wildlife species rehabilitation	<u>PI</u>	<u>E</u>	35.42.060.F.4
	<u>CN</u>	<u>E</u>	
	<u>C-1</u>	<u>E</u>	
	<u>C-2</u>	<u>E</u>	
	<u>C-3</u>	<u>E</u>	
	<u>CS</u>	<u>E</u>	
	<u>CH</u>	<u>E</u>	
	<u>CV</u>	<u>E</u>	

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.

Table 4-7 Animal Keeping in Industrial Zones: M-RP, M-RP CZ, M-1, M-2, M-CR, M-CR CZ, M-CD		E	Allowed use, no permit required (Exempt)
		P	Permitted Use, Land Use or Coastal Permit Required
		MCUP	Minor Conditional Use Permit
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Household pets	<u>M-RP</u>	<u>E</u>	35.42.060.F.1
	<u>M-1</u>	<u>E</u>	
	<u>M-2</u>	<u>E</u>	
	<u>M-CR</u>	<u>E</u>	
	<u>M-CD</u>	<u>E</u>	
Wildlife species rehabilitation	<u>M-RP</u>	<u>E</u>	35.42.060.F.4
	<u>M-1</u>	<u>E</u>	
	<u>M-2</u>	<u>E</u>	
	<u>M-CR</u>	<u>E</u>	

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I MR-P and AG-I CZ MR-P CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.

Table 4-8 Animal Keeping in Special Purpose Zones: MU, NTS, OT-R, OT-R/LC, OT-R/GC, PU, PU CZ, REC, REC CZ, TC		E	Allowed use, no permit required (Exempt)	
		P	Permitted Use, Land Use or Coastal Permit Required	
		MCUP	Minor Conditional Use Permit	
		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations	
Animal husbandry	MU	E	1 large hoofed animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hoofed animal (not including cattle or horses) if lot is a minimum of 10,000 sf	35.42.060.F.2
	NTS	E(§3)		
	OT-R	E		
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC	—		
Household pets	MU	E	See 35.42.060.F.1	35.42.060.F.1
	NTS	E		
	OT-R	E		
	OT-R/LC	E		
	OT-R/GC	E		
	PU	— E		
	REC	— E		
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (34)	MU	E	1 animal per 20,000 sf with a maximum of 5 animals per lot	35.42.060.F.2
	NTS	E		35.42.060.F.3
	OT-R	E		35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC	—		
Commercial raising and boarding of animals	MU	—		
	NTS	E(65)		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC	—		
Dairy	MU	—		
	NTS	—		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC/REC CZ	—		
Goats and sheep (34)	MU	E	1 animal per 20,000 sf; maximum of 5 animals per lot	35.42.060.F.2
	NTS	E		35.42.060.F.3
	OT-R	E		35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC	—		
TC	—			

Table 4-8 - Continued		E	Allowed use, no permit required (Exempt)	
		P	Permitted Use, Land Use or Coastal Permit Required	
		MCUP	Minor Conditional Use Permit	
		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)		
		Additional Regulations		
Hogs and swine (34)	MU	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	NTS	E		35.42.060.F.3
	OT-R	E		35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU	E	None	
	REC	—		
	TC	—		
Hog ranch	MU	—		
	NTS	—		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU	E	None	
	REC	—		
	TC	—		
Kennel, commercial	MU	—		
	NTS	—		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU/PU CZ	—		
	REC/REC CZ	—		
	TC	—		
Kennel, non-commercial (3)	MU	—		
	NTS	—		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU/PU CZ	E	None	
	REC/REC CZ	—		
	TC	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (34.6)	MU	E	35.42.070	35.42.060.F.2
	NTS	E	10	35.42.060.F.3
	OT-R	E	35.42.070	35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU/PU CZ	E	None	
	REC/REC CZ	—		
	TC	—		
Wildlife species rehabilitation	MU	E	None	35.42.060.F.4
	NTS	E		
	OT-R	E		
	OT-R/LC	E		
	OT-R/GC	E		
	PU/PU CZ	E		
	REC/REC CZ	E		
	TC	E		

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., ~~AG-I~~ PU and ~~AG-I~~ CZ PU CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.

-
- (3) ~~Does not include commercial boarding or raising of animals where such services are offered to members of the public~~ Animal husbandry is only allowed in conjunction with equestrian facilities (see Table 2-22).
 - (4) ~~Beekeeping is not allowed in the NTS zone~~ Does not include commercial boarding or raising of animals where such services are offered to members of the public.
 - (5) ~~Animal husbandry is only allowed in conjunction with equestrian facilities (see Table 2-22)~~ Raising and boarding of animals is only allowed for the non-commercial benefit of residents and owners (see Table 2-22).
 - (6) ~~Raising and boarding of animals is only allowed for the non-commercial benefit of residents and owners (see Table 2-22)~~ Beekeeping is not allowed in the NTS zone.

SECTION 11:

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 Section 35.42.240, Rural Recreation, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.240 - Rural Recreation

- A. Purpose and applicability.** This Section provides standards for rural recreation, where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses).
- B. Allowable uses and permit requirement.**
 - 1. Coastal Zone.** Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, ~~hostels~~, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C. below.
 - 2. Inland area.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C. (Standards) below.
- C. Standards.**
 - 1. AG-II and AG-II CZ zones.** The following development standards shall apply to projects located in the AG-II and AG-II CZ zones.
 - ~~1~~a. Is in character with the rural setting.
 - ~~2~~b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
 - ~~3~~c. Does not include commercial facilities open to the general public who are not using the recreational facility.
 - ~~4~~d. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
 - 2. RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.** The following development standards shall apply to projects located in the RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.
 - a. Retreats.**
 - ~~5~~(1) Groups may be assembled for periods of not to exceed 21 days.
 - ~~6~~(2) When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.
 - b. Rural recreation development shall not contain accommodations for recreational vehicles if located in the RMZ, RMZ CZ, MT-TORO and MT-TORO CZ zones.**

SECTION 12:

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 F.4, Charitable and other noncommercial functions, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

4. — Charitable and other noncommercial functions. ~~The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where the no owner or tenant of the lot on which the function occurs receives no any remuneration associated with such use, including fundraisers, parties, receptions weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.~~

Permit Requirement	Development Standards
Exempt	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions does not exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Exempt	For a lot that is five gross acres or more in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is five gross acres or more in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.
Minor Conditional Use Permit	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.

- a. ~~If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a Reception and Similar Gathering Facility (commercial) identified in Tables 4-10 through 4-15, above, and 35.42.260.F.9 (Reception and similar gathering facilities (commercial)) is required in compliance with this Section 35.42.260 and other applicable development standards of this Development Code.~~
- b. ~~The permit requirements and development standards of this Subsection F.4. do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~

SECTION 13:

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 F.9, Reception facilities, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- ~~9. **Reception and similar gathering facilities (commercial).** Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities) above.~~

SECTION 12:

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 G.12., Storage of trailers as accessory to a residential use, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- 12. Storage of trailers as accessory to a residential use.** Trailers ~~designed for or capable of human habitation or occupancy~~ may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with: Watercraft may be kept on the trailer that is stored on the lot.
- a. Trailers shall not be kept, parked or stored in:
 - (1) Required front setback areas.
 - (2) Parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - ab. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands ~~to the top of the roof of the trailer,~~ not including antennas and air conditioning units), and 40 feet in length.
 - bc. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
 - ed. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
 - e. Trailers holding vehicles or used to store materials shall be in compliance with Subsection 35.23.050.C (Accessory Storage).
 - ef. Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) if the trailer will:
 - (1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - (2) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - (3) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.

SECTION 13:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, 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 35.52.040, Allowed Uses and Permit/Plan Requirements, of Chapter 35.52, Oil and Gas Facilities - Inland Area, to read as follows:

35.52.040 - Allowed Uses and Permit/Plan Requirements

- A. Types of allowed energy facility uses and zones where allowed.** Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) identifies the types of oil and gas facilities that are allowed in the Inland Area and the zones in which they are allowed. The "Land Use" column in the table provides references to specific code sections that further describe and define the uses.

The “Permit Required by Zone” column indicates the zones in which oil and gas facilities are allowed.

B. Permit and plan requirements. In addition, Table 5-2 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) identifies the permit requirements and the plan requirements for oil and gas facility uses in the Inland Area. Proposed oil and gas facilities shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-2 provides for energy facility uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit Section 35.82.110 (Land Use Permits). These are shown as "P" uses in the table.
2. Allowed subject to the approval of a Conditional Use Permit Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and shown as "CUP" uses in the table. ~~However, following approval of a Conditional Use Permit, a Land Use Permit is also required in compliance with Section 35.82.110 (Land Use Permits).~~
3. Allowed subject to the approval of an Oil Drilling and Production Plan or a Final Development Plan, and shown as specific Section names and Section numbers in the “Required Plan” column in the table. ~~However, following approval of a Development Plan, a Land Use Permit is also required in compliance with Section 35.82.110 (Land Use Permits).~~
4. Not allowed in particular zones and shown as "—" in the table.
45. Allowed subject to specific development standards outlined in this Chapter 35.52, and shown as Section numbers in the “Development Standards” and other requirements included in the Section number included in the “Specific Use Regulations” column in the table. The referenced Section numbers may establish other requirements and standards applicable to energy facility uses.
5. ~~Not allowed in particular zones, and shown as "—" in the table.~~

TABLE 5-2 – Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area

USE	Permit Required By Zone											REQUIRED PLAN	DEVELOPMENT STANDARDS
	P = Land Use Permit CUP = Conditional Use Permit — = Use not allowed												
	AG-I	AG-H	RES	RR	C-2	C-3	REC	M-1	M-2	M-RP	M-CR		
Drilling and Production of Onshore Oil and Gas Reservoirs (35.52.050)	CUP	P (4)-(5)	CUP	CUP	CUP	CUP	CUP (1)	CUP	P (4)-(5)	CUP	P (4)-(5)	Oil Drilling and Production Plan (4) (35.53.040)	35.52.050
Treatment and Processing Facilities (35.52.060)	CUP (2)	CUP (2)	—	—	—	—	—	—	P	—	P	Development Plan (Final) (35.53.030) (35.72.050)	35.52.060
Refining (35.52.070)	—	—	—	—	—	—	—	—	CUP (3)	—	—	Development Plan (Final) (35.53.030) (35.72.050)	35.52.070
Oil and Gas Pipelines (35.52.080)	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) — P											Development Plan (Final) (35.53.030) (35.72.050)	35.52.080

Notes:

- (1) Use may be approved only within a County park and subject to the requirements of County Code Section 25-4(d) (Permits generally Prohibited) (Petroleum Ordinance).
- (2) For oil and gas obtained from an onshore area.
- (3) Based on Commission Resolution 67-22, adopted by the Board on April 12, 1967, facilities for oil refining shall not be allowed in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.
- (4) See Subsection 35.52.050.C (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan).
- (5) In the AG-II, M-2, or M-CR zones, accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the installation of the equipment shall not require grading or expansion of the site.

TABLE 5-2 Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area		P Permitted use, Land Use Permit or Development Plan required										Specific Use Regulations
		CUP Conditional Use Permit required										
		= Use Not Allowed										
LAND USE (1)	PERMIT REQUIRED BY ZONE											
	AG-I	AG-II	RES	RR	C-2	C-3	REC	M-1	M-2	M-RP	M-CR	
<u>Drilling and Production of Onshore Oil and Gas Reservoirs</u>	CUP	P (2)(3)(4)	CUP	CUP	CUP	CUP	CUP (5)	CUP	P (2)(3)(4)	CUP	P (2)(3)(4)	35.52.050
<u>Treatment and Processing Facilities</u>	CUP (6)(7)	CUP (6)(7)	=	=	=	=	=	=	P (6)	=	P (6)	35.52.060
<u>Refining</u>	=	=	=	=	=	=	=	=	P (6)(8)(9)	=	=	35.52.070
<u>Oil and Gas Pipelines</u>	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses)										P(6)	35.52.080

Notes:

- (1) Sections 35.52.050, 35.52.060, 35.52.070 and 35.52.080 further describe and define the uses allowed as Drilling and Production of Onshore Oil and Gas Reservoirs, Treatment and Processing Facilities, Refining, and Oil and Gas Pipelines.
- (2) Oil Drilling and Production Plan in compliance with Section 35.52.050 required. See Section 35.53.040 for specific application requirements. In the M-2 and M-CR zones a Development Plan in compliance with Section 35.82.080 is not required in addition to the Oil Drilling and Production Plan.
- (3) See Subsection 35.52.050.C (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan).
- (4) In the AG-II, M-2, or M-CR zones, accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities, shall not require Land Use Permits when the installation of the equipment shall not require grading or expansion of the site.
- (5) Use may be approved only within a County park and subject to the requirements of County Code Section 25-4(d) (Permits generally-Prohibited) (Petroleum Ordinance).
- (6) Final Development Plan in compliance with Section 35.82.080 required. See Section 35.53.030 for specific application requirements.
- (7) Conditional Use Permit in compliance with Section 35.82.060 is also required for treatment and processing facilities for oil and gas obtained from an onshore area.
- (8) Conditional Use Permit in compliance with Section 35.82.060 is also required.
- (9) Based on Commission Resolution 67-22, adopted by the Board on April 12, 1967, facilities for oil refining shall not be allowed in the portion of Santa Barbara County east of Point Conception and south of the ridge line of the Santa Ynez mountains.

SECTION 14:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, 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, Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan, of Section 35.52.050, Oil Drilling and Production, of Chapter 35.52, Oil and Gas Facilities - Inland Area, to read as follows:

C. Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan. Only a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for oil and gas drilling that meets all of the criteria and standards listed below. See Subsection 35.53.030.D (Alternative filing requirements for Land Use Permit applications) below. For oil and gas drilling projects that do not meet the listed criteria, approval of an Oil Drilling and Production Plan shall be required ~~before the issuance of a Land Use Permit.~~

1. Location.

- a. The project is located on AG-II, M-2, or M-CR zoned property.
- b. The project is located within a State designated oil field.
- c. The project is located not closer than 100 feet to the top of the bank of a watercourse (shown as intermittent or perennial on U.S.G.S. 7.5 minute series topographic maps) or 200 feet from the top of the bank of the Santa Ynez, Santa Maria, Sisquoc, or Cuyama River.
- d. The project is located not closer than 1,000 feet to a zone other than AG-II, M-2, or M-CR.
- e. The project is not located on mapped historical or archaeological sites as maintained by the Department or identified during a site visit.
- f. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map (GP-23).
- g. The project, if over one-half acre in site size, is not located on prime agricultural lands. However, if a drilling site of a project is less than one-half acre in size and the land is classified as prime agricultural land, the project may exceed the site size during the period of drilling operations but in no case for longer than 90 days. After drilling is complete, the site shall be restored for agricultural use. For the purposes of this provision, prime agricultural land shall mean land having a soil capability classification of I or II.

2. Uses not proposed.

- a. Treatment or processing facilities are not proposed.
- b. Water flooding or steam injection using fresh groundwater for enhanced oil recovery is not proposed.

3. Resource conservation.

- a. The project shall not disturb mapped locations of rare or endangered, unusual or delicate habitats, prime examples of ecological communities, or scientific study areas, as maintained by the Department or identified during a site visit.
- b. The project shall not cause disruption to mapped historical or archaeological sites as maintained by the Department or identified during a site visit.

4. No other significant impacts. The project shall not result in other potentially significant adverse impacts identified during a site visit.

SECTION 15:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, 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 Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review, to add a new Section 35.53.080 titled "Requirements Prior to Commencement of Development Authorized by a Development Plan, Oil Drilling/Exploration Plan, Exploration Plan, or Production Plan" to read as follows:

Section 35.53.080 - Requirements Prior to Commencement of Development authorized by a Final Development Plan or Oil Drilling and Production Plan

A. Final Development Plan. For Final Development Plans, issuance of a Land Use Permit or a Zoning Clearance in compliance with Section 35.82.080 (Development Plans) shall be required prior to the

commencement of the development and/or authorized use allowed by the Final Development Plan.

B. Oil Drilling and Production Plan. For Oil Drilling and Production Plans, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Oil Drilling and Production Plans.

1. Land Use Permit required. The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is required as a result of changes to the project allowed by the Oil Drilling and Production Plans.

2. Zoning Clearance required. The issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required if the approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Oil Drilling and Production Plans.

SECTION 16:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, 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 Chapter 35.56, Oil/Gas Land Uses - Abandonment and Removal Procedures, to add a new Section 35.56.160 titled “Post Approval Procedures” to read as follows:

35.56.160 - Post Approval Procedures

A. Post approval procedures regarding changes to an approved Demolition and Reclamation Permit. The procedures and requirements in Subsection C (Substantial Conformity Determination), Subsection D (Amendments) and Subsection E (Revisions) of Chapter 35.84.040 (Post Approval Procedures) shall apply following the decision on an application for a Demolition and Reclamation Permit.

SECTION 17:

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:

Table 8-1 - Review Authority

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		

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
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 (Overall Sign Plans)			
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
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision(5)	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.
- (5) Within the SC (Shopping Center) zone the Director is the review authority for applications for Use Determinations that comply with Section 35.20.030.A.3.(b). The decision of the Director may be appealed to the Planning Commission and Board of Supervisors in compliance with Chapter 35.102 (Appeals).

SECTION 18:

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 35.80.030, Application Preparation and Filing, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

Section 35.80.030 - Application Preparation and Filing,

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Director on a Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Department application for the specific type of application. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Development Code.

1. Defense and indemnification agreement.

a. Unless disallowed by State law, at the time of the filing of an application, the Owner/Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void,

or annul, in whole or in part, an approval of the application by the County.

(1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.

B. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this Development Code.

SECTION 19:

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 Subsection G.3, Time limits and extensions, of Section 35.82.060, Conditional Use Permits and Minor Conditional Use Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

3. Time limits and extensions. ~~At the time of approval of a Conditional Use Permit, a time limit shall be established within which the Coastal Development Permit, Land Use Permit or Zoning Clearance shall be issued.~~

a. Conditional Use Permits without approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Coastal Development Permit or Land Use Permit or Zoning Clearance shall be issued.

~~a-(1)~~ (1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.

~~b-(2)~~ (2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.

~~d-(3)~~ (3) The review authority ~~that approved~~ responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) may extend the time limit in compliance with Section 35.84.030 (Time Extensions).

~~e-(4)~~ (4) If the required time limit in which to obtain the required Coastal Development Permit or Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.

b. Conditional Use Permits with approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.

(1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).

(2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.

(3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning

Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:

- (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
- (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.

SECTION 20:

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 Subsection G, Time limits and extensions, of Section 35.82.080, Development Plans, of Chapter 35.82, Permit Review and Decisions, to read as follows:

G. Time limits and extensions.

- 1. **Preliminary Development Plans.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
- 2. **Final Development Plans.** ~~Except as provided in Subsection G.3 (Final Development Plans for agricultural developments) below, Final Development Plans shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.84.030 (Time Extensions).~~

(a) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.

~~3.(1)~~ **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

(2) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection G.2(a)(1) (Final Development Plans for agricultural developments) above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

(b) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.

(1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).

(2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan

has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

(3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:

(i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.

(ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2.(b)(3)(i), above.

SECTION 21:

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 Subsection F, Permit Expiration, of Section 35.82.110, Land Use Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

F. Permit expiration.

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.
2. The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions) except that a Land Use Permit approved or conditionally approved and unissued as of [effective date of ordinance] shall be valid for 12 months following [effective date of ordinance] unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
3. A Land Use Permit shall expire two years from the date of issuance if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

SECTION 22:

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 Subsection B.3.a of Section 35.82.130, Modifications, of Chapter 35.82, Permit Review and Decisions, to read as follows:

a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.

(1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required in compliance with the applicable zone regulations.

SECTION 23:

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 Subsection D, Processing, of Section 35.82.130, Modifications, of Chapter 35.82, Permit Review and

Decisions, to read as follows:

D. Processing.

1. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to the provisions of Section 35.82.070 (Design Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project is heard by the Zoning Administrator.
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
5. The ~~Zoning Administrator~~ review authority, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Development Code and the public health, safety, and welfare.
6. The action of the ~~Zoning Administrator~~ review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

SECTION 24:

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 Subsection E, Permit and Reclamation Plan requirements, of Section 35.82.160, Reclamation and Surface Mining Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

E. Permit and Reclamation Plan requirements. The following requirements apply to all surface mining operations in all zones.

1. **Conditional Use Permit and Reclamation Plan required prior to commencement of surface mining operations.** A Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), a Reclamation Plan prepared in compliance with SMARA and this Section, and a lead agency approved financial assurance shall be required prior to the commencement of any surface mining operations, unless the operations are exempted by the provisions of SMARA, the State Regulations, or Subsection D.1 (Exemptions) above.
2. ~~Coastal Development Permit or Land Use Permit~~ **Zoning Clearance required prior to**

commencement of development authorized by a Conditional Use Permit and Reclamation Plan. ~~Except as provided in Subsection E.3 (Zoning Clearance required) below for Agricultural Soil Export Mining, a~~ A surface mine operator shall obtain a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), as applicable, prior to the initiation of mining and reclamation activities approved in compliance with a Conditional Use Permit and Reclamation Plan. Except for Agricultural Soil Export Mining, the ~~The~~ surface mine operator shall also obtain a separate Coastal Development Permit or Land Use Permit Zoning Clearance to implement a Reclamation Plan.

a. This requirement to obtain a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) shall take precedence over existing permit conditions requiring the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) prior to the initiation of mining and reclamation activities approved in compliance with a Conditional Use Permit and Reclamation Plan as of [effective date of ordinance].

~~3. **Zoning Clearance required.** Any applicant for Agricultural Soil Export Mining shall obtain a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) prior to the initiation of mining and reclamation activities approved under a Minor Conditional Use Permit and Reclamation Plan. The same Zoning Clearance may also be used to implement a Reclamation Plan.~~

SECTION 25:

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 Subsection A, Purpose and intent, of Section 35.82.190, Use Determinations, of Chapter 35.82, Permit Review and Decisions, to read as follows:

A. Purpose and intent. The purpose of this Section is to provide procedures for evaluating proposed land uses that are not specifically enumerated in a zone but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone. The intent of this Section is to provide specific consideration of such uses. Within this section “permitted use” shall mean those uses in Tables 2-1, 2-4, 2-7 through 2-9, 2-14 through 2-16, 2-19, 2-20, 2-22 and 2-23 in which the “Permit Requirement” is denoted with a “P.”

SECTION 26:

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 Subsection D, Processing, of Section 35.82.190, Use Determinations, of Chapter 35.82, Permit Review and Decisions, to read as follows:

D. Processing.

1. Use Determinations under the jurisdiction of the Director. A public hearing shall not be required if the Director is the review authority for the Use Determination.

a. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

b. Notice of the application and pending action or action for the Use Determination shall be given in compliance with Section 35.106.050 (Land Use Permits - Inland Area) except that posted notice by the applicant is not required.

c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

2. Use Determinations under the jurisdiction of the Commission.

~~a.~~ After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

- 2b. The Commission shall hold at least one noticed public hearing on the requested Use Determination and approve, conditionally approve, or deny the request.
- 3c. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- 4d. The action of the Commission is final subject to appeal in compliance with Chapter 35.102 (Appeals).

SECTION 27:

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 Subsection E.6, Shopping Center (SC) zones, of Section 35.82.190, Use Determinations, of Chapter 35.82, Permit Review and Decisions, to read as follows:

E. Findings required for approval of Use Determinations. A Use Determination application shall be approved or conditionally approved only if the ~~Commission~~ review authority first makes all of the following findings, as applicable:

6. Shopping Center (SC) zones.

a. ~~Convenience Shopping Centers~~ Use Determinations under the jurisdiction of the Director.

(1) The proposed use is similar in character to uses that:

(a) Are already listed in Table 2-19 (Allowable Land Uses and Permit Requirements for the SC Zone) as permitted uses for the applicable type of shopping center; or,

(b) Are allowed as permitted uses as part of a previously approved planning permit for the existing, developed shopping center in which the use is proposed.

(2) The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those use included in Subsection E.5.a.(1), above, because of noise, odor, dust, smoke, vibration, traffic congestion, depreciation of property values, danger to life, property or other similar causes.

b. Use Determinations under the jurisdiction of the Commission.

(1) The proposed use is similar in character to those listed as permitted uses in the SC zone.

(2) The proposed use is essential to ~~the~~:

(a) **Convenience Shopping Centers.** The daily (frequent) needs of the residents of the surrounding area.

(b) **Community Shopping Centers.** The shopping needs of the area it serves.

(3) The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the applicable zone because of noise, odor, dust, smoke, vibration, traffic congestion, depreciation of property values, danger to life, property or other similar causes.

~~b. Community Shopping Center.~~

~~(1) The proposed use is similar in character to those listed as permitted uses in the SC zone.~~

~~(2) The proposed use is essential to shopping needs of the area it serves.~~

~~(3) The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the applicable zone because of noise, odor, dust, smoke, vibration, traffic congestion, depreciation of property or other similar causes.~~

SECTION 28:

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 Subsection D.4, Land Use Permits, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Decisions, to read as follows:

4. **Land Use Permits.** The Director may extend the time limit of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown only if the Director first finds that the applicable findings for approval required in compliance with Subsection 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

SECTION 29:

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 Subsection D.1.a.(2)(b), of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

- (b) The Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.78, below, and approve, conditionally approve or deny the request.

SECTION 30:

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 Subsection D.1.a.(3)(b), of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

- (b) The Zoning Administrator shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.78, below, and approve, conditionally approve or deny the request.

SECTION 31:

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 Subsection D.2.a.(2), of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

- (2) The review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.78, below, and approve, conditionally approve, or deny the request.

SECTION 32:

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 Subsection D.3.a.(2), of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

- (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.78, below, and approve, conditionally approve or deny the request.

SECTION 33:

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 Subsection D, Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to add a new Subsection D.6 titled "Oil Drilling and Production Plan (Inland area)" to read as follows, and to re-number existing Subsection D.6, Zoning Clearance, as Subsection D.7, Zoning Clearance:

6. Oil Drilling and Production Plan (Inland area).

- a. Extension of permit approval.** The review authority that approved the Oil Drilling and Production Plan may extend the approval of the Oil Drilling and Production Plan one time for 12 additional months for good cause shown in compliance with the following:
- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.8, below, and approve, conditionally approve or deny the request.
 - (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.54.040, (Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs - Findings for Production Plans) that were made in conjunction with the initial approval of the Oil Drilling and Production Plan can still be made.
- b. Expiration.** An Oil Drilling and Production Plan shall expire 12 months from the date the extension was granted or two years from the expiration date of the initial approval of the Oil Drilling and Production Plan, whichever occurs first.

SECTION 34:

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 Subsection D.7, Waiver of public hearing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to renumber as D.8, Waiver of public hearing, and to read as follows:

- 78. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.84.030.D.78.a., above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

SECTION 35:

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 Subsection D.8, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to renumber as D.9 and to read as follows:

89. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for an additional 24 months in compliance with the following:
- a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.
 - c. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.
 - d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

This Subsection D.89 shall expire, and be of no further force or effect, on January 12, 2012, unless extended by ordinance.

SECTION 36:

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 Subsection C, Substantial Conformity Determinations, Subsection D, Amendments, and Subsection E, Revisions, of Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, to renumber as D.9 and to read as follows:

- C. Substantial Conformity Determinations.** The Director may approve a minor change to an approved Conditional Use Permit, Demolition and Reclamation Permit, or Final Development Plan, or Oil Drilling and Production Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix H), that the change is in substantial conformity with the approved permit, ~~in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix H).~~
1. ~~Notice and public hearing not required~~ **Contents of application.** ~~No public notice or public hearing shall be required for Substantial Conformity Determinations~~ An application for an Substantial Conformity Determination shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 2. ~~Action not subject to appeal~~ **Processing.** ~~The action of the Director is final and not subject to appeal.~~
 - a. The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the

Director takes action on the application for the Substantial Conformity Determination.

- b. The action of the Director is final and not subject to appeal.
- c. Notice of the application or pending decision on a Substantial Conformity Determination is not required.

3. Conditional Use Permits Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination. Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required.

a. Findings. The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan.

~~**a. Coastal Zone.** A Coastal Development Permit approved in compliance with Section 35.82.050 (Coastal Development Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Coastal Zone.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit, that the Coastal Development Permit substantially conforms to the previously approved Conditional Use Permit.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~**b. Inland area.** A Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Conditional Use Permit is located in the Inland area.~~

~~(1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

4. Final Development Plans.

~~**a. Coastal Zone, appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.82.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is defined as appealable development.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.82.050.D.2 (Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)), that the Coastal Development Permit substantially conforms~~

to the previously approved Final Development Plan.

(2) ~~The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~**b. Coastal Zone, not appealable development.** A Coastal Development Permit approved in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Coastal Zone and is not defined as appealable development.~~

~~(1) The Coastal Development Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Coastal Development Permit approved in compliance with Subsection 35.82.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)), that the Coastal Development Permit substantially conforms to the previously approved Final Development Plan.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~**e. Inland area.** A Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits) shall be required to allow the development and/or use authorized by the Substantial Conformity Determination prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination if the development allowed by the Final Development Plan is located in the Inland area.~~

~~(1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Final Development Plan.~~

~~(2) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

D. Amendments. Where the Director is unable to determine that a requested change to an approved Conditional Use Permit, Demolition and Reclamation Permit, or Final Development Plan, or Oil Drilling and Production Plan, is not in substantial conformity with the approved permit in compliance with Subsection C, above, the Director may approve, conditionally approve or deny an application to add, alter, relocate, replace, or otherwise instead amend a Conditional Use Permit, Demolition and Reclamation Permit, or Final Development Plan, or Oil Drilling and Production Plan in compliance with the following.

1. Area under review Contents of application. An application for an Amendment shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

~~**a. Conditional Use Permits.** The location within the project site that is under review was analyzed for potential environmental impacts and policy consistency under the processing of the approved permit.~~

~~**b. Development Plans.** The location within the project site that is under review:~~

2. Area under review. The location within the project site that the subject of the application for the Amendment:

~~**a.** (1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or~~

~~**b.** (2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be~~

found exempt from environmental review in compliance with the California Environmental Quality Act.

3. Processing.

- a. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. The Department shall refer the application to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c. Notice shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).
- d. The Director shall review the application for the Amendment for compliance with the Comprehensive Plan including any applicable community and area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
- e. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

~~2.~~ **f. Findings.** An application for an Amendment application shall be approved or conditionally approved only if the Director first makes all of the following ~~additional~~ findings:

- ~~a.~~ ~~In addition to the findings required for approval of a Conditional Use Permit or Final Development Plan identified in Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.080.E (Findings required for approval), as applicable, the Amendment is consistent with the specific findings of approval, including the environmental review findings in compliance with the California Environmental Quality Act, if applicable, which were made when the Conditional Use Permit or Final Development Plan was initially approved.~~
- ~~b.~~ ~~The environmental impacts related to the proposed Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.~~
 - (1) That the findings required for approval of the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - (2) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan.

~~3.~~ **Public hearing not required.** A public hearing shall not be required before the Director takes action on an application for an Amendment to an approved Conditional Use Permit or Final Development Plan, however, notice shall be given at least 10 days before the date of the Director's decision on the Amendment in compliance with Chapter 35.106 (Noticing and Public Hearings).

4. Zoning Clearance required prior to commencement of development and/or use authorized by an Amendment. Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning

Clearances) shall be required.

E. Revisions.

1. A revised Conditional Use Permit, Demolition and Reclamation Permit, ~~or~~ Final Development Plan or Oil Drilling and Production Plan shall be required for changes to an approved permit where the findings identified in Subsection D. (Amendments) above cannot be made and substantial conformity cannot be determined in compliance with Subsection C (Substantial Conformity Determinations).
2. A revised permit shall be processed in the same manner as a new Conditional Use Permit, Demolition and Reclamation Permit, ~~or~~ Final Development Plan or Oil Drilling and Production Plan, in compliance with Chapter 35.53 (Permit Requirements and Plan Applications, Processing, and Review), Chapter 35.56 (Oil/Gas Land Uses - Abandonment and Removal Procedures), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or Section 35.82.080 (Development Plans), as applicable.
3. The approval by the review authority of a revised Conditional Use Permit, Demolition and Reclamation Permit, ~~or~~ Final Development Plan or Oil Drilling and Production Plan shall automatically supersede any previously approved Conditional Use Permit, Demolition and Reclamation Permit, ~~or~~ Final Development Plan or Oil Drilling and Production Plan upon the effective date of the revised permit.

SECTION 37:

ARTICLE 35.10, Land Use and Development Code Administration, 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 A, Minimum requirements, of Section 35.106.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.106, Noticing and Public Hearing, to read as follows:

- A. Minimum requirements.** Except for applications for Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, and Design Review (see Subsection 35.106.030.A, Sections 35.106.050, and 35.106.060 below, for respective noticing requirements), and Use Determinations where the Director is the review authority (see Subsection 35.82.190.D.2 for noticing requirements) notice shall be given by the Department in compliance with Government Code Sections 65090 - 65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) or Subsection 35.82.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.

SECTION 38:

ARTICLE 35.11, Glossary, 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 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to amend the existing definitions of "Campground," ~~"Charitable Function,"~~ "Driveway," "Rural Recreation" and "Trailer," to read as follows:

Campground. A site for temporary occupancy by campers, which may include individual campsites, ~~but where utility hookups for recreational vehicles are not provided. See also "Recreational Vehicle Park." May include accommodations for recreational vehicles unless prohibited within the applicable zone.~~

~~**Charitable Function.** An event or activity whose primary purpose is of a charitable or noncommercial nature that is held by a charitable nonprofit organization that is registered with the federal Internal Revenue Service as a Internal Revenue Code 501(c)(3) nonprofit organization.~~

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities (~~not including accommodations for recreational vehicles~~), hunting clubs, retreats, and summer camps. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials, personal property, or vehicles, including watercraft, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home but not including mobile homes on a permanent foundation.

SECTION 39:

ARTICLE 35.11, Glossary, 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 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110, Definitions, to delete the definition of “Abalone Shell Processing” as follows:

~~**Abalone Shell Processing.** Sorting, cleaning, and further breaking and storing of shells landed live in Santa Barbara County, preparatory to shipment in their natural form.~~

SECTION 40:

ARTICLE 35.11, Glossary, 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 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add the following new definitions of “Adjacent,” “Barber and Beauty Shop,” “Bedroom,” “Fully enclosed or fully screened structure,” “Laundromat,” “Laundry and dry cleaning pick-up store,” “Motor vehicle,” “Shoe repair,” “Vehicle” and “Wastewater Treatment System, Alternative” to read as follows:

Adjacent. See “abut.”

Barber and Beauty Shop. A commercial establishment that provides services relating to barbering and cosmetic treatments including face, foot and hand care. May also include accessory retail sales of products related to the services provided.

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

Fully enclosed or fully screened structure. A structure, constructed of permanent, solid materials, with a roof that completely covers the structure, doors or gates that are kept closed and latched, and walls that extend from the foundation floor either to the roof of the structure or to a sufficient height such that any contents of the fully enclosed or fully screened structure are not visible when viewed from the outside other than when viewed through a window. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window. Does not include awnings, fabric shelters, tents and similar structures of a nonpermanent type of construction.

Laundromat. A commercial establishment that primarily provides self-service washing and drying facilities, e.g., coin operated machines. May also include accessory retail sales of products related to the services provided.

Laundry and dry cleaning pick-up store. A commercial establishment that provides dry cleaning and laundry services where the cleaning primarily occurs an off-site location. Does not include laundries and dry cleaning plants engaged primarily in high-volume laundry and garment services. May also include accessory retail sales of products related to the services provided.

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

Motor vehicle, inoperative. A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Motor vehicle, operative. A motor vehicle that is able to be immediately started without any modifications or repairs and has a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Shoe repair. A commercial establishment rebuilds, remodels, repairs boots and shoes and other footwear. May also include the repair of handbags, luggage and sports equipment such as golf bags, saddles and tents. May also include accessory retail sales of products related to the services provided.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wastewater Treatment System, Alternative. A wastewater treatment system that utilizes a mound or evapo-transpiration type system to treat sewage before disposal.

SECTION 41:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 42:

Except as amended by this Ordinance, Article 35.2, Article 35.5, Article 35.5, Article 35.8, Article 35.10 and Article 35.11 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.

SECTION 43:

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 _____, 2011, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel