

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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September 14, 2018

Das Williams, Chair  
Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

**RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-18-0039-1-Part B (Gaviota Coast Plan)**

Dear Honorable Chair Williams and Supervisors:

On August 10, 2018 the Coastal Commission approved LCP Amendment LCP-4-STB-18-0039-1-Part B with thirteen (13) suggested modifications. The Commission's resolution of certification is contained in the revised findings staff report dated August 28, 2018. The suggested modifications, as approved by the Commission on August 10, 2018, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above, the Commission's certification with 13 suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present

government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth  
Acting Executive Director



By: Michelle Kubran  
Coastal Program Analyst

Cc: Julie Harris, Santa Barbara County Planning and Development Department

# FINAL SUGGESTED MODIFICATIONS TO THE COASTAL LAND USE PLAN

## LCP Amendment 4-STB-18-0039-1-Part B (Gaviota Coast Plan)

The County's proposed amendment language to the certified Coastal Land Use Plan is shown in straight type. Language approved by the Commission to be modified is shown in ~~strikeout~~ and underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

### SUGGESTED MODIFICATION NO. 1

*The following shall be added to Chapter 1 - Introduction of the Gaviota Coast Plan as a new Subsection c (Important Differences Between the Coastal and Inland Portions of this Plan) under the section titled "Overview of the Gaviota Coast Plan":*

As a result of the Coastal Commission's review of the Gaviota Coast Plan for certification as an amendment to the Santa Barbara County Local Coastal Program (LCP), a number of the Goals, Policies, Actions, Programs, and Development Standards originally adopted by the County for the entire Plan area were modified as they apply within the Coastal Zone. In these cases there are similar, but different, provisions that apply within the coastal as compared to the inland (non-Coastal Zone) portions of the Plan area. These are clearly marked throughout the document as either "COASTAL" or "INLAND" at the beginning of the text of relevant Goals, Policies, Actions, Programs, and Development Standards. Goals, Policies, Actions, Programs, and Development Standards that are not marked as either "COASTAL" or "INLAND" shall be interpreted to apply to the entire Plan area, unless the policy expressly states otherwise.

### SUGGESTED MODIFICATION NO. 2

**The following policies within Gaviota Coast Plan Chapter 2: Natural Resources shall be modified as follows:**

**Policy NS-2: Natural Resources Protection.** *(INLAND)* Environmentally Sensitive Habitat (ESH) areas and important or sensitive biological and natural resources shall be protected to the maximum extent feasible. Where special-status plant and animal species are found pursuant to the review of a discretionary project, the habitat in which the sensitive species is located shall be preserved to the maximum extent feasible. ~~Within the Coastal Zone, Environmentally Sensitive Habitat (ESH) areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.~~ Development in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**Policy NS-2: Environmentally Sensitive Habitat (ESH) Protection.** *(COASTAL)* Environmentally Sensitive Habitat (ESH) areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, public trails, and low-impact campgrounds). Resource-dependent uses

shall be sited and designed to avoid significant disruption of habitat values to ESH through measures including but not limited to: utilizing established disturbed areas where feasible, limiting grading by following natural contours, and minimizing removal of native vegetation to the maximum extent feasible. Non-resource dependent development, including fuel modification and agricultural uses, shall be sited and designed to avoid ESH and ESH buffer areas. If avoidance is infeasible and would preclude reasonable use of a parcel or is a public works project necessary to repair and maintain an existing public road or existing public utility, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigated. Development in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**Policy NS-4: ESH Criteria and Habitat Types.** (*INLAND*) The following criteria are used in determining which habitats in the Gaviota Coast Plan area warrant the Environmentally Sensitive Habitat Area overlay designation:

- 1) Unique, rare, or fragile communities which should be preserved to ensure their survival in the future, e.g., dune vegetation, native grasslands.
- 2) Rare and endangered species habitats that are also protected by Federal and State laws, e.g., harbor seal rookeries and haul out areas.
- 3) Plant community ranges that are of significant scientific interest because of extensions of range, or unusual hybrid, disjunct, and relict species.
- 4) Sensitive wildlife habitats which are vital to species survival, e.g., White-tailed Kite habitat, butterfly trees.
- 5) Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species.
- 6) Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, e.g., Naples Reef.
- 7) Areas that are important because of their biological productivity such as wetlands, kelp beds, and intertidal areas.
- 8) Areas that are structurally important in protecting natural landforms and species, e.g., dunes which protect inland areas, riparian corridors that protect stream banks from erosion and provide shade, kelp beds which provide cover for many species.

Specific biological habitats are considered environmentally sensitive and shall be subject to the provisions of the Environmentally Sensitive Habitat (ESH) and Environmentally Sensitive Habitat Gaviota (ESH GAV) Overlays including qualifying habitat that exists outside of the mapped ESH and ESH GAV overlays. A general guideline for inclusion is those plant communities that have a California Natural Diversity Database (CNDDB) rarity ranking of G1, S1 G2, S2, G3, or S3. Two habitat types have been included due to their sensitive nature within the county, although they do not meet the rarity ranking criterion (i.e., Coast Live Oak Woodlands and Western rush marshes). Additional sensitive wildlife habitats are also listed. The list includes, but is not limited to:

- 1) Native Forests and Woodlands including, but not limited to: madrone forest, tanoak forest, black cottonwood forest, Bishop pine forest, California sycamore woodlands, coast live oak woodland, Valley oak, red willow thickets, and California bay forest;
- 2) Rare Native Chaparral and Coastal Scrub Habitats, including, but not limited to: Burton Mesa shrubland chaparral, central maritime chaparral, wart leaf Ceanothus chaparral,

giant *Coreopsis* scrub, bush monkeyflower scrub, California brittle bush scrub, sawtooth goldenbush scrub, silver dune lupine-mock heather scrub, lemonade berry scrub, and white sage scrub;

- 3) Rare Native Grassland and Herbaceous vegetation, including, but not limited to: Dune mats, Western rush marshes, meadow barley patches, giant wildrye grassland, creeping ryegrass turfs, foothill needlegrass grasslands, purple needlegrass grasslands;
- 4) Coastal Wetlands, including, but not limited to: estuarine, riverine and riparian habitats;
- 5) Marine mammal haulouts;
- 6) Monarch butterfly habitat;
- 7) Raptor nesting and breeding areas; and
- 8) Special status species habitats.

A table giving the full names of the plant communities mentioned in items 1-3 above, along with rarity rankings per the California Natural Diversity Database 2010 List of Natural Plant Communities and the Wildlife Habitats Relationship community name, is included as Appendix B.

**Policy NS-4: ESH Criteria and Habitat Types.** *(COASTAL)* Environmentally sensitive habitat (ESH) means any area in which plant or animal life or their habitats are either (A) rare or (B) especially valuable because of their special nature or role in an ecosystem. The presence and extent of ESH shall be identified on a case-by-case basis based upon site-specific evidence provided by a biological report prepared by a qualified biologist. Although a site-specific analysis will form the basis for ESH determinations, the following types of habitat are considered rare or especially valuable, and therefore ESH, unless a particular habitat area is so small and isolated or degraded that it is no longer sustainable.

A. Rare Species or Habitats. Areas with plant or animal life or their habitats included in the following lists and categories are considered “rare” for the purposes of this policy:

- Federal and State listed Rare, Threatened, and Endangered Species.
- Plants, Animals, and Natural Communities ranked as Global or State G1 or S1 (critically imperiled), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction).
- California Fully Protected Species, California Species of Special Concern, and their habitats.
- California Rare Plant Ranking System plant species designated 1B (rare, threatened, or endangered in California and elsewhere) and 2B (rare, threatened, or endangered in California but more common elsewhere).
- Federal and State Plants, Animals, and Natural Communities that are candidates for listing.

B. Especially Valuable Species or Habitats. Areas with plant or animal life or their habitats may be especially valuable because of their “special nature,” such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Areas may be especially valuable because of their special “role in the ecosystem,” such as providing habitat for endangered species, protecting water quality, providing essential corridors linking one sensitive habitat to another, or providing critical ecological linkages such as the provision of pollinators or crucial trophic connections. Examples of species or habitat types that are especially valuable include, but are not limited to:

- Unique, rare, or fragile communities which should be preserved to ensure their survival in the future, e.g., dune vegetation, native grasslands;
- Plant community ranges that are of significant scientific interest because of extensions of range, or unusual hybrid, disjunct, and relict species;
- Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species;
- Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, e.g., Gaviota Coast tanoak forests.

Specific biological habitats that are considered environmentally sensitive because they are rare and/or especially valuable because of their special nature or role in an ecosystem shall be protected and preserved through provisions of the ESH Overlay. These include, but are not limited to, the following:

- 1) Native Forests and Woodlands including, but not limited to: madrone forest, tanoak forest, black cottonwood forest, Bishop pine forest, California sycamore woodlands, coast live oak woodland, Valley oak, red willow thickets, and California bay forest;
- 2) Native Chaparral and Coastal Scrub Habitats that are part of a large, contiguous area of native habitat, or rare Native Chaparral, Coastal Bluff Scrub, and Coastal Scrub Habitats, including, but not limited to: Burton Mesa shrubland chaparral, central maritime chaparral, wart leaf Ceanothus chaparral, giant Coreopsis scrub, bush monkeyflower scrub, California brittle bush scrub, sawtooth goldenbush scrub, silver dune lupine-mock heather scrub, lemonade berry scrub, and white sage scrub;
- 3) Native Grassland and rare herbaceous vegetation, including, but not limited to: Dune mats, Western rush marshes, meadow barley patches, giant wildrye grassland, creeping ryegrass turfs, foothill needlegrass grasslands, purple needlegrass grasslands;
- 4) Creeks, Streams, and Coastal Wetlands, including, but not limited to: estuarine, riverine, riparian habitats, and vernal pools;
- 5) Marine mammal haulouts;
- 6) Monarch butterfly habitat;
- 7) Raptor nesting, roosting, and breeding areas and white-tailed kite foraging areas; and
- 8) Special status species habitats

A table giving the full names of the plant communities mentioned in items 1-3 above, along with rarity rankings per the current California Natural Diversity Database List of Natural Plant Communities and the Wildlife Habitats Relationship community name, is included as Appendix B.

**Policy NS-7: Riparian Vegetation.** (*INLAND*) Riparian vegetation shall be protected to the maximum extent feasible. Riparian vegetation shall not be removed except where clearing is

necessary for the maintenance of existing roads and/or free flowing channel conditions, the removal of invasive exotic species, stream/creek restoration, or the provision of essential public services. Any unavoidable riparian vegetation removal conducted in compliance with the activities identified by this policy shall be conducted in compliance with the Environmentally Sensitive Habitat and resource protection policies and provisions of the Gaviota Coast Plan, the Comprehensive Plan, and the Local Coastal Program.

**Policy NS-7: Riparian Vegetation.** *(COASTAL)* New development, including fuel modification, shall be sited and designed to protect riparian ESH, consistent with Policy NS-2 and all other applicable policies and provisions of this Plan and the LCP.

**Policy NS-9: Natural Stream Channels.** *(INLAND)* With the exception of local, state, or federal resource agency permitted activities, natural stream channels and conditions shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts.

**Policy NS-9: Natural Stream Channels.** *(COASTAL)* Channelizations or other substantial alterations of streams shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood control projects for existing development where necessary for public safety and there is no other feasible alternative, or 3) development with the primary purpose of improving fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including ESH and the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over “hard” solutions such as concrete or riprap channels.

**Policy NS-10: Habitat Buffers.** *(INLAND)* Buffer policies should be flexible and consider the purpose, ecological benefit, and context of the buffer as well as the use of the land next to the buffer.

**Policy NS-11: Restoration.** *(INLAND)* Biological impacts shall be avoided to the maximum extent feasible. In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized, restoration shall be required. A minimum replacement ratio shall be required to compensate for the destruction of native habitat areas or biological resources. The area or units to be restored, acquired, or dedicated for a permanent protective easement shall exceed the biological value of that which is destroyed. Where onsite restoration is infeasible or not beneficial with regard to long-term preservation of habitat, an offsite easement and/or alternative mitigation measures that provide adequate quality and quantity of habitat and will ensure long-term preservation shall be required.

**Policy NS-11: Restoration.** *(COASTAL)* In cases where adverse impacts to biological resources as a result of new development cannot be avoided and impacts have been minimized, restoration shall be required. A minimum replacement ratio of 3:1 shall be required to compensate for adverse impacts to native habitat areas or biological resources, except that mitigation for impacts to wetlands shall be a minimum 4:1 ratio. Where onsite restoration is infeasible, the most proximal and in-kind offsite restoration shall be required. Preservation in perpetuity for conservation and/or open space purposes of areas subject to restoration shall be required as a condition of the CDP and notice

of such restriction shall be provided to property owners through a recorded deed restriction or Notice to Property Owner.

**Policy NS-12: Protected Trees. (COASTAL)** Existing trees shall be preserved to the maximum extent feasible, prioritizing “protected trees.” Protected trees are defined for the purpose of this policy as mature native or roosting/nesting trees that do not pose a threat to health and safety. Protected trees include, but are not limited to:

- Oak (*Quercus agrifolia*)
- Sycamore (*Platanus racemosa*)
- Willow (*Salix* spp.)
- Maple (*Acer macrophyllum*).
- California Bay Laurel (*Umbellularia californica*)
- Cottonwood (*Populus* spp.)
- White Alder (*Alnus rhombifolia*)
- California Walnut (*Juglans californica*)
- Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
- Any trees serving as Monarch butterfly habitat, including aggregation sites.

All existing “protected trees” shall be protected from damage or removal to the maximum extent feasible. Where the removal of protected trees cannot be avoided through the implementation of project alternatives, or where development encroachments into the protected zone of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

**Action NS-7: Vegetation Mapping. (COASTAL)** Within the Gaviota Coast Area, the County shall seek funding to map biological habitats at the alliance or association level per the second (or most current) volume of Manual of California Vegetation.

**Dev Std NS-1: Wildlife Corridors. (INLAND)** Environmental review of development proposals shall evaluate and mitigate for the significant effects on wildlife movement caused by fencing, roads, lighting, and siting.

**Dev Std NS-1: Wildlife Corridors. (COASTAL)** Where avoidance of wildlife corridors is infeasible, development, including fences, gates, roads, and lighting shall be sited and designed to not restrict wildlife movement. Fences and gates shall be wildlife-permeable, unless the fence or gate is associated with an approved agricultural use, is located within an approved development area, or where temporary fencing is required to keep wildlife away from habitat restoration areas.

**Dev Std NS-2: ESH Setbacks and Buffers. (COASTAL)** Buffers shall be provided between ESH and new development to serve as transitional habitat and to provide distance and physical barriers to human intrusion. ~~Mapped~~ ~~Riparian~~ ~~ESH~~ ~~overlay~~ areas shall have a minimum development area setback buffer of 100 feet from the edge of either side of the top-of-bank of creeks or the ~~existing~~ edge of riparian vegetation, whichever is further. Wetland ESH areas shall include a minimum



development area setback buffer of 100 feet from the edge of the wetland. All other ESH areas shall have a minimum development area setback buffer of 100 feet from the outer edge of the habitat area. Monarch butterfly trees shall include a minimum development area setback buffer of 50 feet from the edge of the trees canopy.

Development ~~within other ESH areas~~ shall be required to comply with these ~~include setbacks or undeveloped buffer zones from these areas~~ as part of the proposed development, except where setbacks or buffers would preclude reasonable use of the parcel consistent with applicable law. ~~The minimum buffers shall be determined on a case-by-case basis and be based upon site-specific conditions such as slopes, erosion potential, biological resources, etc. In determining the location, width and extent of setbacks and/or buffer areas, the County's biological resources and/or vegetation maps and other available data shall be used (e.g., maps, studies, or observations).~~ Appropriate public recreational trails may be allowed within setbacks or buffer areas.

Required buffers ~~for riparian ESH~~ may be adjusted upward ~~or downward~~ on a case-by-case basis given site specific evidence provided by a biological report prepared by a qualified biologist. Where adjusted upward where necessary in order to prevent significant disruption of habitat values, the required minimum buffer ~~but~~ shall not preclude reasonable use of a parcel consistent with applicable law. Adjustment of the riparian or stream ESH buffer shall be based on an investigation of the following factors and, ~~when appropriate,~~ after consultation with the Department of Fish and Wildlife and Regional Water Quality Control Board, ~~if required, in order~~ All buffers shall be sufficient to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- ~~• Demonstration of a net environmental benefit;~~
- Existing vegetation, soil type and stability of stream and riparian corridors;
- How surface water filters into the ground;
- Slope of the land on either side of the stream;
- Location of the 100 year flood plain boundary; and
- Consistency with adopted Gaviota Coast Plan, Coastal Land Use Plan, and Comprehensive Plan policies.

In all cases listed above, buffer areas on sites within the Coastal Zone may be adjusted downward only in order to avoid precluding reasonable use of property.

Legally existing development at El Capitan Canyon Campground may be maintained, repaired, replaced, and/or reconfigured provided that it does not result in a decrease in a buffer established under the existing Conditional Use Permit.

**Dev Std NS-3: Rare Plants. (INLAND)** Where appropriate and feasible, as determined by County staff, if potentially suitable habitat exists for sensitive plant species, prior to approval of Coastal Development or Land Use Permits for any projects in the Gaviota Coast Plan Area, rare plant surveys focused on the area to be disturbed and/or affected by the project shall be conducted during the appropriate time of year to optimize detection of potentially occurring rare plants. Surveys shall be conducted in accordance with the County's Environmental Thresholds and Guidelines Manual and applicable resource agency survey protocols to determine the potential for impacts resulting from the project on these species.

**Dev Std NS-3: Rare Plants. (COASTAL)** If potentially suitable habitat exists for sensitive plant species, prior to approval of Coastal Development Permits for any projects in the Gaviota Coast Plan Area, sensitive plant surveys focused on the area to be disturbed and/or affected by the project shall be conducted during the appropriate time of year to optimize detection of potentially occurring sensitive plants. Surveys shall be conducted in accordance with applicable county and resource agency survey protocols to determine the potential for impacts resulting from the project on these species.

**Dev Std NS-4: Sensitive Wildlife Species. (INLAND)** Where appropriate and feasible, as determined by County staff, if potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to approval of Coastal Development or Land Use Permits for any projects in the Gaviota Coast Plan Area, presence/absence surveys focused on the area to be disturbed and/or affected by the project shall be conducted in accordance with the County's Environmental Thresholds and Guidelines Manual to determine the potential for impacts resulting from the project on these species.

**Dev Std NS-4: Sensitive Wildlife Species. (COASTAL)** If potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to approval of Coastal Development Permits for any projects in the Gaviota Coast Plan Area, presence/absence surveys focused on the area to be disturbed and/or affected by the project shall be conducted in accordance with applicable county and resource agency protocols to determine the potential for impacts resulting from the project on these species.

**Dev Std NS-5: Wetlands. (INLAND)** If potentially jurisdictional wetlands or waters are found on or adjacent to a project site in the Plan Area and have potential to be impacted by implementation of the project, a formal wetlands delineation of the project site, focused on the area to be disturbed and/or affected by the project, shall be completed following the methods outlined in the United States Army Corps of Engineers (USACE) 1987 Wetlands Delineation Manual and the Regional Supplement to the USACE Delineation Manual for the Arid West Region (USACE 2008). A determination of the presence/absence and boundaries of any Waters of the U.S. and Waters of the State shall also be completed following the appropriate USACE guidance documents for determining Ordinary High Water Mark boundaries. The limits of any riparian habitats on-site under the jurisdiction of California Department of Fish and Wildlife shall also be delineated, as well as any special aquatic sites that may not be within the USACE jurisdiction under the Clean Water Act or meet federal jurisdictional criteria but are regulated by Federal Endangered Species Act, California Endangered Species Act, Regional Water Quality Control Board, and/or California Coastal Commission (CCC). In the Coastal Zone, jurisdictional waters and ESH areas as defined by CCC will also be delineated.

Mitigation for unavoidable impacts to wetlands and waters shall be based on the impacted type of wetland and project design. Mitigation should prevent any net loss of wetland functions and values of the impacted wetland. Plan Policy NS-11 requires a replacement ratio to compensate for the destruction of native habitat and biological resources that exceeds the biological value of that which is destroyed. However, the resource agencies may require higher mitigation ratios depending on the type and quality of resource impacted. Mitigation ratios for impacts to wetlands and riparian habitat are typically around 2:1 or 3:1, but can be as high as 8:1 for especially rare or valuable wetland types such as vernal pools.

**Dev Std NS-5: Wetlands.** *(COASTAL)* If potentially jurisdictional wetlands or waters are found on or adjacent to a project site in the Plan Area and have potential to be impacted by implementation of the project, a formal wetlands delineation of the project site, focused on the area to be disturbed and/or affected by the project, shall be completed following the methods outlined in the United States Army Corps of Engineers (USACE) 1987 Wetlands Delineation Manual and the Regional Supplement to the USACE Delineation Manual for the Arid West Region (USACE 2008). A determination of the presence/absence and boundaries of any Waters of the U.S. and Waters of the State shall also be completed following the appropriate USACE guidance documents for determining Ordinary High Water Mark boundaries. The limits of any riparian habitats on-site under the jurisdiction of California Department of Fish and Wildlife shall also be delineated, as well as any special aquatic sites that may not be within the USACE jurisdiction under the Clean Water Act or meet federal jurisdictional criteria but are regulated by Federal Endangered Species Act, California Endangered Species Act, Regional Water Quality Control Board, and/or California Coastal Commission (CCC). In the Coastal Zone, one parameter wetlands, jurisdictional waters and ESH areas as defined by the CCC and/or the LCP will also be delineated.

Mitigation for unavoidable impacts to wetlands as a result of permitted development shall be based on the type of wetland resource impacted. Mitigation for impacts to wetlands should prevent any net loss of wetland area and the functions and values of the impacted wetland. Mitigation for impacts to wetlands shall be a minimum 4:1 ratio. However, the resource agencies may require higher mitigation ratios depending on the type and quality of resource impacted.

**DevStd NS-6: Butterfly Roosts.** *(COASTAL)* Any construction or grading within 200 feet of known or historic butterfly roosts shall be prohibited during the months between November 1 and April 1. This requirement may be adjusted on a case-by-case basis where P&D, with a qualified biologist, concludes that construction and grading will not impact monarchs on or near the site.

<b>SUGGESTED MODIFICATION NO. 3</b>
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**The following policies within Gaviota Coast Plan Chapter 3: Agriculture shall be modified as follows:**

**Goal AG-1.A.: Santa Barbara County shall protect and enhance the vitality of agricultural operations and resources as part of a major viable production industry. Where conditions allow, taking into account environmental impacts, and where otherwise consistent with the Comprehensive Plan and/or the LCP, expansion and intensification shall be supported.**

**Policy AG-1.B: Long-Term Agricultural Production.** *(INLAND)* To the extent feasible, the County shall protect agricultural land, continued agricultural uses and the agricultural economy by sustaining agricultural production and discouraging conversions or other uses that are incompatible with long-term agricultural production.

**Policy AG-1.B: Long-Term Agricultural Production.** *(COASTAL)* The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and other land uses. If a parcel is designated for agricultural use, the parcel shall not be converted to a non-agricultural use unless the conversion is consistent with CLUP Policy 8-2.

**Policy AG-1.D: Recreational Trail or Other Easements.** *(INLAND)* Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis) and, in exercising its discretion, the County shall consider the impact of such an easement upon agricultural production of all lands affected by and adjacent to said trail or other easement.

**Policy AG-1.D: Recreational Trail or Other Easements.** *(COASTAL)* Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis) and, in exercising its discretion, the County shall evaluate potential conflicts between the recreational use and agricultural production on lands adjacent to said trail or other easement and shall implement measures to mitigate such conflicts.

**Policy AG-3.A: Fire Hazard Reduction Programs.** *(INLAND)* Major wildfires cause severe erosion, property damage, and safety hazards. Within the Inland Area of the Gaviota Coast Plan Area, the County shall encourage range improvement and fire hazard reduction programs, including prescribed burning of brush and alternative non-burning techniques. Such programs shall be designed and conducted to avoid excessive erosion and other significant adverse effects on the environment for the purpose of increasing water yields, improving wildlife habitat, wildlife protection, and increasing agricultural productivity.

**Dev Std AG-1: Protection of Agricultural Resources.** *(INLAND)* On land zoned for agriculture, non-agricultural development should be directed to those areas least suitable for agriculture. Non-agricultural structural development and associated hardscape shall be minimized on prime soils to the maximum extent feasible. Minimizing the covering of prime soils shall be accomplished through site selection, site and building design, and the use of pervious surfaces wherever feasible.

**Dev Std AG-1: Protection of Agricultural Resources.** *(COASTAL)* On land zoned for agriculture, development of non-agricultural uses that are not considered a component of the agricultural principal permitted use shall only be permitted subject to all of the following findings:

- a) Non-agricultural use shall be compatible with continued agricultural use on the premises and on adjacent lands;
- b) Non-agricultural use shall preserve prime agricultural land and shall be clustered with other development.

**Dev Std AG-1.A: Agricultural Development.** *(COASTAL)* On land zoned for agriculture, agricultural structural development and structures that are considered a component of the agricultural principal permitted use shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture to the maximum extent feasible. If use of such land is necessary for agricultural structural development, including structures that are considered a component of the agricultural principal permitted use, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.

<b>SUGGESTED MODIFICATION NO. 4</b>
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**Chapter 4: Parks, Recreation, and Trails section c. PRT Map Definitions and Standards shall be modified as follows:**

## Trail Designation

Two types of off-road trails are shown on the PRT maps:

1. **Existing Trail** – The trail is legally dedicated to the County of Santa Barbara or is located on existing public land managed by the U.S. Forest Service, or California Department of Parks and Recreation. The trail is usually in the form of an easement containing an approximately four (4) to six (6) foot wide trail tread. In the Coastal Zone, an existing trail, as shown on the PRT maps, is a trail that is legally dedicated to the County of Santa Barbara or other entity or is located on land managed by the U.S. Forest Service, California Department of Parks and Recreation, or other entity and is open for use by the public. The PRT maps may not depict all trails that are legally accessible to the public, as the public may have the ability to use other trails due to implied dedication of public rights based on historic use.

2. **Proposed Trail** – The trail is not yet legally dedicated for public use and is contingent upon trail easement offer by a property owner, acquisition from landowners, or through conditions on development entitlements. In the Coastal Zone, a proposed trail, as shown on the PRT maps, is a trail that is either (1) not yet legally dedicated for public use and is contingent upon a trail easement offer by a property owner, acquisition from landowners, or through conditions on development entitlements, or (2) trail easements that have been legally dedicated but are not yet open. The Gaviota Coast Plan PRT maps include additional sub-categories for proposed trail designations as follows:

- a. *Primary Route* – Proposed trail route indicating preferred trail location with respect to general alignment, connectivity and user experience.
- b. *Secondary Route* – Optional trail route if primary route is deemed infeasible, or may be planned as complimentary to primary route to enhance connectivity and/or user experience.
- c. *Alternate Alignment* – Indicates a continuation of the coastal trail with or without a preferred or specific alignment (See PRT Trail Narratives for details); or, alternatives to a primary route to be evaluated in conjunction with proposed or pending development.
- d. *Coastal Trail Alignment* – The PRT Trail Narratives provide guiding principles, objectives and preferences, where appropriate, to assist future efforts to plan, site, and implement the coastal trail alignment. The information will help coordinate future trail feasibility studies and create opportunities to work cooperatively with agencies and landowners to balance public access with resource protection.

*Coastal Trail Alignment General Principles:* Planning for the coastal trail shall take into consideration the following general principles. In addition to these general principles, refer to PRT Map narratives for each trail segment for additional area-specific principles, objectives, and preferences.

1. Identify opportunities to locate vertical access routes from Highway 101 to the beach.
2. Prioritize the location of bluff trails first, and then vertical trails.
3. Locate multi-use trails and bicycle routes separated from the roadway adjacent to either side of Highway 101 with priority for routes to be adjacent to the south side of Highway 101.

4. Prepare feasibility studies for the location and/or repair of blufftop trails and alternative alignments.
5. Future trail/bicycle lane improvements by Caltrans along Highway 101 should not eliminate or preclude development of any formal, planned or existing informal vertical access sites along the coast.
6. Beach access, trails, and bicycle routes shall be considered where feasible and existing public access protected and enhanced during Caltrans', Union Pacific's, and State Parks' planning to reconfigure or relocate their facilities in the Plan Area.
7. Shall be located as close to the shoreline as possible.
8. Provide maximum access for a variety of non-motorized uses by utilizing parallel trail segments when feasible.
9. Ensure that the trail system has connections to trailheads, parking areas, vertical shoreline access points, inland trail segments, and transit stops at reasonable intervals.
10. Ensure that the trail siting and design maximizes ocean views and scenic coastal vistas.

<b>SUGGESTED MODIFICATION NO. 5</b>
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**Chapter 4: Parks, Recreation, and Trails section d. PRT Maps and Trail Alignment Narratives shall be modified as follows:**

**Segment 1: Eagle Canyon to Dos Pueblos Ranch** (See Figure 4-5)

Planning for trails within PRT map Segment 1 shall take into consideration the following principles:

1. Provide coastal trail continuity south of the railroad with the Goleta Community Plan PRT-3 map proposed trail alignment.
2. Paradiso del Mare: The proposed coastal trail extends east to west and south of the railroad. A loop trail, lookout points, and a 20-space public parking lot with pedestrian access to the coastal trail will also be constructed. Explore opportunities to construct a vertical beach accessway from the trail to the beach between Eagle Canyon and Tomate Canyon.
3. Makar (Naples township parcels): The alignment for the proposed coastal trail primary route (across the Makar property) should be on the bluff tops south of the Union Pacific Railroad as close to the ocean as possible.
4. Construct a trailhead parking lot with restrooms south of the highway on Santa Barbara Ranch.
5. Construct a trailhead parking lot north of the highway on Santa Barbara Ranch in close proximity to the Dos Pueblos Ranch northbound highway exit.
6. ~~Explore opportunity for~~ Construct one additional vertical beach access between Tomate Canyon and Dos Pueblos Creek. Tomate Canyon West or the existing canyon on the Santa Barbara Ranch are preferred locations for a vertical beach ~~eastal~~ access trail. Vertical beach access shall avoid potential impacts to the Naples seal haul out area and Naples Reef.

**Segment 2: Las Varas Ranch to El Capitan** (See Figure 4-6)

Planning for trails within PRT map Segment 2 shall take into consideration the following principles:

1. Construct a trailhead parking lot south of the highway on Las Varas Ranch.
2. Work with the landowner and Caltrans to facilitate potential future public trail access and/or improvements to the existing tunnel under Highway 101 near Gato Canyon, and potential future public trail access and parking at the Southbound Highway 101/El Capitan Ranch Road interchange. Public trail access shall not conflict with agricultural operations.
3. Las Varas Ranch: The alignment for the proposed coastal trail primary route (across Las Varas Ranch) should be on the bluff tops as close to the ocean as possible.
4. Las Varas Ranch (south of Highway 101): For properties south of Highway 101, collectively known as Las Varas Ranch, encourage the development of tools and incentives (e.g. clustering development, internal transfer of development rights, development agreements, specific plans, etc.) to balance potential development rights with important coastal land use issues. Potential public objectives include:
  - Maintain, preserve, and enhance agricultural production
  - Provide opportunities for coastal trail and beach access south of the railroad where feasible
  - Provide public and/or private low intensity recreational opportunities
  - Protect important coastal visual, biological, archaeological, and historic resources
  - Protect bluff top open space
5. Construct vertical beach access at Edwards Point.
6. Protect existing informal roadside parking within the County right-of-way on El Capitan Ranch Road.

**Segment 3: El Capitan State Beach to Tajiguas** (See Figure 4-7)

Planning for trails within PRT map Segment 3 shall take into consideration the following principles:

- Segment 3a:
1. The County shall work with El Capitan Canyon Campground, Caltrans, and State Parks to address safety concerns regarding cyclist and pedestrian use of the El Capitan State Beach undercrossing.
  2. The County shall work with State Parks to prioritize development of a feasible, long- term solution to repair and then maintain the damaged Refugio State Beach to El Capitan State Beach bike path.
  3. The County shall work with El Capitan Canyon Campground and State Parks to improve/formalize a trailhead with parking lot for the Bill Wallace Trail and the potential realignment and expansion of the Bill Wallace Trail System.
  4. The County shall work with Caltrans and State Parks to establish viable parking options, including potential trailhead parking area, for recreational uses in the vicinity of the Refugio State Beach interchange. Options should address safety concerns and consider installing directional signage for trailhead.

5. The County shall work with Caltrans, Union Pacific Railroad, and State Parks to consider the long-term potential for realignment of the railroad to allow for more public access while ensuring viability of the railroad bed in the future.
6. The County shall work with Caltrans to protect existing informal roadside parking at Cañada del Corral and Cañada del Venadito.

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**Segment 4: Tajiguas to San Onofre** (See Figure 4-8)

Planning for trails within PRT map Segment 4 shall take into consideration the following principles:

- Segment 4a:
1. Apply the *Coastal Trail Alignment* general principles.
  2. The *coastal trail alignment* from Tajiguas to Arroyo Hondo indicates a continuation of the coastal trail between the railroad and Highway 101, recognizing the need for coordination between regional agencies as required.
  3. Construct trailhead parking near the frontage road west of Tajiguas Creek. Protect existing informal parking along roadside gravel pull-out off of U.S. 101 and vertical beach access at Tajiguas Beach.
  4. Explore alternate alignment north of Highway 101 from Refugio Road West to Mariposa Reina interchange.
  5. The County recognizes the importance of that portion of Arroyo Quemada Lane located within public right-of-way (a frontage road) for public parking and a potential off highway location for the *coastal trail alignment*. Protect existing informal parking along roadside gravel pull-out off of U.S. 101 at Arroyo Quemada Lane.
  6. The County recognizes the importance of the Caltrans vista point at Arroyo Hondo for potential coastal access and parking, with improvements to formalize any existing informal access below the Union Pacific Railroad trestle.

...

**Segment 5: San Onofre to Gaviota State Park** (See Figure 4-9)

Planning for trails within PRT map Segment 5 shall take into consideration the trail narrative above and the following principles:

1. Apply the *Coastal Trail Alignment* general principles.
2. Re-use plans for the Gaviota Marine Terminal property, the PXP property, and adjoining State Parks lands should be planned cohesively with respect to recreation, trails, and coastal access.
3. Explore vertical access opportunities to the beach where feasible.



4. Use of the Mariposa Reina overpass is an important component of the proposed trail network. The County shall coordinate with Caltrans and State Parks to address cyclist and pedestrian use of the Mariposa Reina overcrossing to access potential trails north and south of the interchange. Trailhead parking should be provided in close proximity to the Mariposa Reina interchange.
5. Explore alternate alignment north of Highway 101 from Refugio Road West to Mariposa Reina interchange.
6. The alignment for the proposed coastal trail primary route from San Onofre Canyon to the Gaviota State Park campground should be on the bluff tops as close to the ocean as possible.
7. Protect existing informal parking along roadside gravel pull-out off of U.S. 101 and vertical beach access at San Onofre.
8. Protect existing informal roadside parking and vertical beach access at Cañada del Leon.

<b>SUGGESTED MODIFICATION NO. 6</b>
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**The following policies, actions, and development standards within Gaviota Coast Plan Chapter 4: Parks, Recreation, and Trails shall be modified as follows:**

**Policy REC-6: Coastal Trail Siting and Design Considerations.** Siting, design and maintenance of the coastal trail and associated public access facilities should emphasize low impact designs and foster sustainability. In addition to the standards set forth in Policy REC-3, the following shall be followed with respect to the specific siting and design of the trails within the Coastal Zone:

1. The coastal trail shall be as close to or on the beach as feasible consistent with all other planning and resource constraints and the siting and design of the trail shall maximize ocean views and scenic coastal vistas. Vertical connector trails shall provide reasonably spaced and periodic connections between the bike trail and the beach/bluff trail.
2. Trails shall be located to minimize the impacts on fragile coastal resources, agricultural operations, and historic and cultural resources, and should account for any sea level rise and/or associated bluff retreat.
3. The carrying capacity of the land traversed by the coast trail should be considered in order to protect existing resources as required by the Coastal Act.
4. Vertical beach access should utilize natural topography as much as possible to avoid engineered structures. However, where necessary and appropriate, engineered solutions should be sensitive to the viewshed and existing resources, and should minimize the need for maintenance.
5. Establishment and enhancement of coastal access and trails shall recognize the multiple uses served, use intensity, and level of infrastructure along the coastline. Consider locating high intensity trail activities, such as cycling, in close proximity to the highway. Lateral and vertical hiking trails are low intensity uses that can generally be accommodated near the coastal bluff or on the beach, where appropriate. Utilize parallel trail segments when feasible in order to provide maximum access as close to the shoreline as possible for a variety of non-motorized uses.

6. Trailhead parking facilities should be located as close as possible to Highway 101, and sanitation and trash facilities should be considered at major trailheads.
7. Public access facilities should be provided with the necessary management resources such as policing, liability management, trail maintenance, appropriate and necessary infrastructure, waste management, signage, and upkeep of parking areas.
8. In areas where local landowners or agencies control the scale, location, and design of public facilities, such facilities should be built to serve the needs of residents and visitors.
9. Commercial visitor serving structures should be limited to essential services and should be designed and sited to minimize visual and resource impacts. Necessary public visitor serving structures related to public access (such as trail signs, kiosks, interpretive exhibits, parking, and restrooms), should be encouraged and should be designed and sited to minimize visual and resource impacts.
10. If Highway 101 and/or the railroad are relocated farther inland, relocation to a more seaward location should be considered for existing or proposed portions of the coastal trail that are sited inland of either transportation facility.

**Policy REC-7: California Coastal Trail.** The California Coastal Trail should be a continuous trail system as close to the ocean as possible with connections to the shoreline at appropriate intervals and, wherever feasible, the Coastal Trail should be within the sight, sound, or at least the scent of the sea.

**Policy REC-8: Protection of Existing Coastal Access.** ~~Ensure to the extent feasible that~~ development does not interfere with the Public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Policy REC-13a: Public Parking. (COASTAL)** Provide adequate parking to serve recreation uses. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided. New parking areas and associated facilities shall be distributed throughout the Plan area to minimize the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Action REC-7: Trail and Access Completion.** The County shall work with the County Riding and Hiking Trails Advisory Committee to strive to complete public access improvements including, but not limited to, the following:

1. Acquire near shore bluff top easements for the California Coastal Trail from the Bacara Hotel to El Capitan State Beach, and develop and open the California Coastal Trail throughout this reach.
2. Work with California State Parks and the California Coastal Commission to reopen the closed segment of the existing Class I bikeway that links El Capitan and Refugio State Beaches.

3. Acquire and develop at least two coastal access points along the east end of the Plan Area at Dos Pueblos Ranch, Edwards Point, Santa Barbara Ranch, Makar/Tomate Canyon West, or Paradiso del Mare.
4. Work with California State Parks to develop and open a three-mile-long bluff top segment of the California Coastal Trail, south of U.S. Highway 101, from Gaviota State Park east to the Gaviota Marine Terminal.
5. Develop at least one major coastal access point and associated public improvements along the west end of the coast at Arroyo Hondo or Gaviota Marine Terminal.
6. Acquire easements for and develop at least two foothill trails that link coastal areas to public lands in the Los Padres National Forest on the east and west ends of the Plan Area.
7. Work with Caltrans, the Union Pacific Railroad and interested organizations to complete a Transportation Corridor Plan to address public access issues and ensures that all future improvements to these facilities accommodate and foster public coastal access.
8. Acquire easements for the California Coastal Trail from the eastern end of Hollister Ranch to Jalama Beach County Park.

**Dev Std REC-2: Public Parking. (COASTAL)** The implementation of restrictions on public parking, which would adversely impact public access to beaches, trails or parklands, including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs, shall be prohibited except where such restrictions are needed to protect public safety or ESH and where no other feasible alternative exists to provide public safety or protect ESH. Where feasible, an equivalent number of public parking spaces shall be provided nearby to compensate for the loss of parking for coastal access and recreation.

**Policy REC-16a: Campground Development.** Campgrounds and ancillary facilities sited south of U.S. 101 shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use, except for trails and public accessways that facilitate coastal public access to the beach. ~~Where feasible, n~~New recreational facility development, particularly campgrounds and associated parking lots (except trailhead parking lots), shall be located north of U.S. 101 sited in appropriate locations to facilitate coastal public access and recreation, in consideration of site constraints.

**Policy REC-17: Development on State-Owned Lands.** Except for trails and public accessways that facilitate coastal public access to the beach, aAll new development on State-owned lands shall be in conformance with a recreational master plan approved by the County and the Coastal Commission, as applicable. The master plan shall include maps showing locations of proposed facilities and a text describing the entire scope of the State’s long-range plans within the Gaviota Coast Plan Area (i.e., numbers of campsites, restrooms, parking lots, kinds of recreational activities to be accommodated, etc.). In addition, the master plan shall conform to the following criteria:

- a. Facilities for overnight use by out-of-County visitors shall be balanced with those for day use by local residents.
- b. Intensities and kinds of recreational uses shall be controlled so as not to exceed the environmental carrying capacity of the area.

- c. Alternative transportation systems to provide access to State parks (i.e., shuttle buses, bicycles) shall be used where feasible.

**Policy REC-19: Access and Recreation Opportunities.** Expanded opportunities for access and recreation shall be provided in the Gaviota Coast planning area.

Implementing Actions:

- a. In order to maximize access to the shoreline, vertical easements connecting the coastal trail to the shoreline shall be acquired as opportunities arise by a public agency at the following locations:
  - 1. Naples/Paradiso del Mare
  - 2. Dos Pueblos Canyon
  - 3. Las Varas East
  - 4. Edwards (near Gato Canyon)
  - 5. Tajiguas Creek
  - 6. Arroyo Quemado
  - ~~67.~~ CalTrans Vista Point
  - ~~78.~~ Cañada de Guillermo
  - ~~89.~~ Cañada del Molino
  - ~~910.~~ Cañada de San Onofre
  - ~~110.~~ GTC – Gaviota Marine Terminal
- b. Where access is acquired by a public agency, the following facilities and or uses shall be considered where appropriate.
  - 1. Camping, parking, restrooms, picnic tables, and bike racks.
    - a. Dos Pueblos
    - b. Edwards Point
    - c. Tajiguas Creek
    - d. GTC – Gaviota Marine Terminal
  - 2. Day use only, parking, picnic tables, bike racks.
    - a. San Onofre

**Dev Std REC-3: Hollister Ranch Public Access.** In order to mitigate for the potential impacts to public access from the development of Hollister Ranch, a fee consistent with Section 30610.8 of the California Public Resources Code shall be required as a condition of each coastal development permit issued for development in Hollister Ranch.

**SUGGESTED MODIFICATION NO. 7**

**Chapter 5: Land Use section b. Coastal Zone Boundary shall be modified as follows:**

In 1982, the Santa Barbara County Board of Supervisors adopted the Coastal Land Use Plan (CLUP). The CLUP ~~established~~ depicted a coastal zone boundary, which in some locations within the Gaviota Coast Plan Area is inconsistent with the coastal zone boundary established by the Coastal Act and certified by the California Coastal Commission.

**SUGGESTED MODIFICATION NO. 8**

**The following policies within Gaviota Coast Plan Chapter 5: Land Use shall be modified as**

**follows:**

**Policy LU-4: Development Siting of Non-Agricultural Development. (*INLAND*)** Non-agricultural development shall be scaled, sited, and designed to reduce impacts to resources such as environmentally sensitive habitat, agriculture and visual resources, and to respect site constraints such as steep slopes. Measures to reduce impacts to resources shall at a minimum include consideration of the following: color; reflectivity and height of structures; length of roads and driveways; number and size of accessory structures; configuration and size of development envelopes including concentrating development in existing developed areas close to existing roads; amount and location of grading; vegetation removal; and night lighting.

**Policy LU-8: Existing Legal Lots. (*INLAND*)** Any existing lot that was legally established, except for fraction lots, zoned for agriculture shall be allowed all of the uses and structures allowed by the applicable zone regardless of size, subject to the provisions of the County Code.

**Policy LU-8: Existing Legal Lots. (*COASTAL*)** Any existing lot that was legally established, pursuant to all applicable laws in effect at the time of creation, except for fraction lots, may be allowed all of the uses and structures allowed by the applicable zone regardless of size, subject to the provisions of the County Code.

**Policy LU-10: Development Siting. (*INLAND*)** Development shall be sited to the maximum extent possible to: 1) avoid environmentally sensitive habitat, 2) avoid visually prominent areas, 3) minimize infrastructure requirements and/or redundancy, and 4) minimize fragmentation of the landscape.

**Policy LU-10: Development Siting. (*COASTAL*)** Development shall be scaled, sited and designed to 1) avoid environmentally sensitive habitat consistent with Policy NS-2, 2) avoid visually prominent areas to the maximum extent feasible, 3) minimize infrastructure requirements and/or redundancy, 4) minimize fragmentation of the landscape, and 5) protect agricultural land and agricultural viability. Measures to avoid and minimize impacts to coastal resources shall at a minimum include consideration of the following: color; reflectivity and height of structures; length of roads and driveways; number and size of accessory structures; configuration and size of development envelopes, including concentrating and clustering development in existing development areas close to existing roads; amount and location of grading; vegetation removal; and night lighting.

**Policy LU-13: Bluff-top Development. (*COASTAL*)** Development on coastal bluff-top property shall be sited to include sufficient setbacks to avoid the threat of bluff erosion or slope instability considering 100 years of bluff erosion that factors in the long-term effects of climate change and sea-level rise based on best available science. Bluff-top development shall be designed to not contribute to increases in bluff erosion and avoid reliance on coastal armoring and/or shoreline protection devices that would substantially alter natural landforms or otherwise adversely impact coastal resources (e.g., public access, scenic resources). No development shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry; such uses are permitted only where no other less environmentally damaging alternative is feasible and the development is sited and designed to not contribute to erosion and to minimize impacts to the bluff face, toe, and beach.

Drainage devices extending over the bluff face shall not be permitted if property can feasibly be drained away from the bluff face.

*Modify Action LU-5 and Action LU-6 to add the term “INLAND” to each Action for application only within the Inland Area of the Gaviota Coast Plan area.*

**SUGGESTED MODIFICATION NO. 9**

*Revise all proposed maps that depict the Coastal Zone Boundary to add a note within the map legend that states the following:*

Given the small scale of this map, the Coastal Zone Boundary depicted on this map is not intended for the purpose of defining the Coastal Zone Boundary on a parcel level.

**SUGGESTED MODIFICATION NO. 10**

**Gaviota Coast Plan Chapter 6: Visual Resources, Site Design Hierarchy subsection shall be modified as follows:**

**Site Design Hierarchy**

**I. Site Selection**

...

- Resource Sensitivity (*INLAND*)
  - To the extent feasible, development should avoid environmentally sensitive habitat (ESH) areas including riparian and wildlife corridors but where unavoidable, impacts shall be minimized consistent with existing County policy.
- Consideration of Agriculture (*INLAND*)
  - The development shall avoid or minimize significant impacts to agriculture to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
- Coastal Hazards
  - Site development to minimize or avoid coastal hazards, consistent with LCP policies, including but not limited to, flooding, inundation, and erosion, including future hazards exacerbated by sea level rise.

...

**SUGGESTED MODIFICATION NO. 11**

**The following policies in Gaviota Coast Plan Chapter 6: Visual Resources Policies shall be added or modified, as follows:**

**Policy VIS-1a: Visual Resource Protection. (COASTAL)** Development shall be sited and designed to avoid and minimize impacts to the rural, natural, and agricultural environment as seen from public viewing places. If there is no feasible building site location on the project site where development would not be visible, then the development shall be sited and designed to minimize impacts to visual resources through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating screening elements such as landscaping or artificial berms. Landscape screening and artificial berms shall not substitute for siting and design alternatives that avoid impacts to public views of the ocean and other scenic areas and minimize alteration of natural land forms.

**Policy VIS-16: Building Height.** Building height south of Highway 101 shall not exceed one story or 15 feet above existing grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean. In no case shall building heights south of Highway 101 exceed the maximum building height listed in the Coastal Zoning Ordinance for each zone district and 25 feet in the Agriculture II (AG-II) district.

**Dev Std VIS-2: Roadway Alignment and Siting. (INLAND)** When reviewing the alignment and siting of proposed new roads and driveways serving residential development, Planning & Development shall evaluate methods to minimize excessive road/driveway construction and reduce or redesign fuel management zone buffers to minimize the removal of natural vegetation and related visual impacts, while ensuring projects meet the Santa Barbara County Fire Department’s Private Road and Driveway Standards.

**Dev Std VIS-2: Roadway Alignment and Siting. (COASTAL)** The alignment and siting of proposed new roads and driveways serving development shall minimize excessive road/driveway construction and minimize grading and landform alteration and the removal of natural vegetation and related visual impacts, while ensuring projects meet the Santa Barbara County Fire Department’s Private Road and Driveway Standards.

<b>SUGGESTED MODIFICATION NO. 12</b>
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**The following policies in Gaviota Coast Plan Chapter 7: Transportation, Energy, and Infrastructure Policies shall be modified as follows:**

**Policy TEI-1: U.S. Highway 101 Improvements. (INLAND)** Ensure that improvements to U.S. Highway 101 shall not, either individually or cumulatively, significantly detract from the rural scenic characteristics of the highway and shall be limited to improvements necessary for the continued use of the highways: slope stabilization, grading, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; and creation of slow traffic, vista turn-outs, and coastal access points, as a safety and convenience improvement. Incursion and other adverse impacts within ESHAs and their buffers shall be avoided to the extent feasible. These improvements shall limit site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts.

**Policy TEI-1: U.S. Highway 101 Improvements. (COASTAL)** Ensure that improvements to U.S. Highway 101 shall not, either individually or cumulatively, significantly detract from the rural scenic characteristics of the highway and shall be limited to improvements necessary for the continued use of the highways: slope stabilization, grading, drainage control, and minor safety improvements such as guardrail placement, signing, etc.; expansion of shoulder paving to accommodate bicycle or pedestrian traffic; and creation of slow traffic, vista turn-outs, and coastal access points, as a safety and convenience improvement. These improvements shall limit site alterations to the minimum amount necessary to carry out the project and minimize environmental impacts.

**Policy TEI-8: Jalama Road.** Jalama Road shall be maintained as a two-lane road with only minor realignment from the summit to the park. ~~All improvements~~ Widening of Jalama Road shall be sited, designed, and constructed to avoid Environmentally Sensitive Habitat (ESH) areas ~~minimize adverse impacts on Jalama Creek. Improvements shall result in a minimum removal of any riparian vegetation along the creek.~~ Maintenance and repair of the existing roadway shall avoid ESH to the maximum extent feasible.

**Action TEI-3: Adaptation Strategy.** The County shall work with state and federal agencies and local communities as well as work to engage Union Pacific Railroad to develop an adaptation strategy to deal with the encroachment of the ocean into the existing railroad bed or roadway network due to climate change.

**Action TEI-5: Minimize Private Road and Driveway Impacts: (INLAND)** Planning & Development shall consider the following methods to reduce impacts associated with new roads and driveways serving residential development while ensuring development adheres to the development standards as set forth in the Santa Barbara County Fire Department's Private Road and Driveway Standards.:

1. Appropriate planting of exposed slopes and submittal of detailed drainage and erosion control plans shall be conditions for issuance of a permit for such roads.
2. A qualified biologist shall analyze private road and driveway routes, if any environmentally sensitive habitat would potentially be impacted, including alternatives that avoid impacts, the qualified biologists shall provide recommendations to mitigate such impacts to the maximum extent feasible.
3. A qualified engineer shall certify that potential erosion impacts from road construction shall be adequately mitigated (i.e., the proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates). Mitigation measures shall, to the maximum extent possible, minimize massive grading or excavation or the construction of protective devices that would substantially alter natural landforms.
4. New roads shall not be placed on slopes of 30 percent or greater unless:
  - a) No feasible alternative exists.
  - b) The proposed design of the road better achieves the overall resource protection objectives of this Plan.

**Policy TEI-10: Renewable Energy Production Facility Impacts. (INLAND)** Ensure through siting, design, scale, and other measures that all renewable energy production facilities are constructed to avoid where possible, and minimize where avoidance is not possible, impacts on



public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds.

**Policy TEI-10: Renewable Energy Production Facility Impacts.** *(COASTAL)* Ensure through siting, design, scale, and other measures that all renewable energy production facilities are constructed to avoid significant impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds. Where an applicable, more specific resource protection policy of the Gaviota Coast Plan requires more stringent protection of resources, renewable energy production facilities must comply with those policies as opposed to this more general policy.

**Policy TEI-16: Tajiguas Landfill.** *(INLAND)* Any changes to operations at the Tajiguas Landfill necessary for the management of our community's solid waste should strive to reduce environmental impacts to the Gaviota Coast Plan Area. To reduce impacts, waste delivered to the Tajiguas Landfill should be consolidated and the landfill should only accept waste generated from communities within Santa Barbara County. The County should pursue additional resource recovery projects/programs prior to, or concurrent with, any plan to expand municipal solid waste disposal capacity through landfilling.

**Policy TEI-18: Water Wells.** *(COASTAL)* New groundwater wells and replacement wells that are not intended to serve agricultural purposes shall not be permitted where the project site is already serviced by a public water district or an existing mutual water company.

**Dev Std TEI-7: Onsite Wastewater Treatment System Locations.** *(INLAND)* Onsite wastewater treatment systems and other potential sources of water pollution shall be a minimum of 100 feet from the edge of either side of top-of-bank or existing edge of riparian vegetation, whichever is further. Modification to existing and new sources of potential water pollution shall meet this buffer to the maximum extent feasible. This standard applies unless supplanted by Environmental Health Services Standards.

**FINAL SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE**

**LCP Amendment 4-STB-18-0039-1-Part B  
(Gaviota Coast Plan)**

The County’s proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language approved by the Commission to be modified is shown in ~~strikeout~~ and underline. Text that describes the proposed changes is shown in *italics*.

**SUGGESTED MODIFICATION NO. 13**

**SECTION 1:**

*DIVISION I, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 5, Other Districts, of Section 35-52, Zoning District Designations and Applicability, to re-organize the listing of the existing Overlay Districts and to add a new Overlay District titled “Critical Viewshed Corridor Overlay District” to read as follows:*

**Section 35-53. Overlay District Designations and Applicability.**

In addition to the regulations governing the zoning districts described in Section 35-52, the following overlay districts and the symbols used to represent them on the zoning maps are established as follows:

- AH Affordable Housing
- ARC-CI Agriculture Residential Cluster - Channel Islands
- CA Carpinteria Agricultural Overlay District
- CVC Critical Viewshed Corridor Overlay District
- D Design Control
- ESH Environmentally Sensitive Habitat Area
- F Airport Approach Area
- FA Flood Hazard Area
- HWMF Hazardous Waste Management Facility
- SD Site Design
- SF Single Family Restricted
- VC View Corridor

The regulations of the overlay district shall apply to the land in the same manner as the zoning district regulations. Overlay district regulations shall apply wherever the symbol and the boundaries of the area are shown on the zoning maps. When a symbol for an overlay district is added to a zoning district symbol, the regulations of the overlay district shall be applicable in addition to the zoning district regulations. If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern. Exceptions may be made for the AH Overlay District provided that the overlay shall be applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. The provisions of the ESH Overlay District are more restrictive

than any base zone district and therefore the provisions of the ESH shall govern over the regulations of any base zone or other overlay district.

**SECTION 2:**

*DIVISION I, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2, of Section 35-54, Adopting Zoning Ordinances and Maps and Uncertainties in District Boundaries, to read as follows:*

The following certified zoning maps and zoning overlay maps, which zone the unincorporated area of the County lying within the Coastal Zone, are hereby specifically included by reference into this Section:

- a. Carpinteria Valley Coastal Plan Zoning Overlay.
- b. Channel Islands Coastal Plan Zoning.
- c. Eastern Goleta Valley Community Plan Zoning.
- d. Eastern Goleta Valley Community Plan Zoning Overlay.
- e. Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays.
- f. Gaviota Coast Plan Zoning.
- g. Gaviota Coast Plan Zoning Overlay.
- h. Gaviota Coast Plan Environmentally Sensitive Habitat Overlay.
- i. Goleta Community Plan Zoning South.
- j. Goleta Community Plan Zoning Overlay.
- k. Goleta Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays South.
- l. Guadalupe Dunes/Point Sal Coastal Plan Zoning Overlay.
- m. Montecito Community Plan Zoning Southern Section.
- n. Montecito Community Plan Zoning Overlay.
- o. Montecito Community Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays.
- p. Lompoc Valley Rural Region Zoning.
- q. Santa Barbara Area Zoning and Zoning Overlay.
- r. Santa Maria Valley Rural Region Zoning.
- rs. South Coast Rural Region Zoning.
- rt. Summerland Community Plan Zoning.
- ru. Summerland Community Plan Zoning Overlay.
- rv. Summerland Community Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays
- w. Toro Canyon Plan Zoning.
- x. Toro Canyon Plan Zoning Overlay.

y. Toro Canyon Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays.

**SECTION 3:**

*DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definitions of “Gaviota Coast Plan Area” to read as follows:*

**Coastal Resources.** Any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq.

**Gaviota Coast Plan Area.** That portion of the County located within the boundaries of the Gaviota Coast Plan as shown on the Gaviota Coast Plan Land Use Map.

**SECTION 4:**

*DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-66, Gaviota Coast Planning Area, to be titled “Gaviota Coast Plan Area” and to read as follows:*

**Section 35-66. Gaviota Coast Plan Area.**

1. **Coastal views.** Development of recreational facilities shall conform with the visual policies of the Gaviota Coast Plan that are designed to minimize grading, removal of vegetation, and paving, and shall be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of native drought-tolerant species.
2. **Campground development.** Campgrounds and ancillary facilities sited south of U.S. Highway 101 shall be set back as far as feasible from the beach in order to reserve near- shore areas for day use, except for trails and public accessways that facilitate coastal public access to the beach. ~~Where feasible, n~~New recreational facility development, particularly campgrounds and parking lots, shall be located north of U.S. Highway 101 sited in appropriate locations to facilitate coastal public access and recreation, in consideration of site constraints.
3. The vegetation in the small canyons at the mouths of Canada San Onofre and Canada del Molino streams shall not be disturbed by recreational development or use.
4. **Campground use priority.** Since existing State parks in the Gaviota area already provide extensive facilities for recreational vehicle camping, future development shall be encouraged to prioritize low-intensity campgrounds or day use.

**SECTION 5:**

*DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-99, ARC - Agriculture-Residential Cluster Overlay, in its entirety and reserve the section number for future use.*

**SECTION 6:**

*DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-102G titled “CVC - Critical Viewshed Corridor Overlay District,” and to read as follows:*

**Section 35-102G. CVC - Critical Viewshed Corridor Overlay District.**

- A. Purpose and intent.** The Critical Viewshed Corridor (CVC) overlay district is applied to property in the Gaviota Coast Plan area to provide enhanced protection to the critical coastal viewsheds of the Gaviota Coast from inappropriate development. The intent is to ensure that development is sited and/or screened in a manner that will reduce impacts to the public viewshed while allowing for reasonable development.
- B. Applicability.** This overlay district is applied in the Gaviota Coast Plan area to the visually critical near- field viewsheds located to the north and south of Highway 101 as shown on the Gaviota Coast Plan Zoning Overlay map. All development within this overlay district is subject to the requirements of this overlay district except as provided below:
1. Single agricultural structures with an individual gross floor area of less than 5,000 square feet are not subject to the requirements of this overlay zone provided:
    - a. The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
    - b. The structure(s) complies with the following standards:
      - 1) All exterior lighting is in compliance with the following:
        - a) The lighting is required for safety purposes only.
        - b) Light fixtures are fully shielded (full cutoff and are directed downward to minimize impacts to the rural nighttime character.
        - c) Lighting is directed away from habitat areas, and, to the extent feasible, nearby residences, public roads and other areas of public use ~~to the extent feasible.~~
      - 2) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
- C. Relationship to primary zone.**
1. Each land use and proposed development within the CVC overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
  2. Development and land uses within the CVC overlay district shall comply with all applicable development standards of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district. If conflicts occur between the requirements of this overlay and any other provision of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district, the requirements that are most protective of coastal resources shall control.
- D. Permit and processing requirements.**
1. **Design review required.** Except for development that is exempt from the requirements of this overlay zone in compliance with Subsection B (Applicability), above, all structural development proposed on a lot located within the CVC overlay district shall require Design Review in compliance with Section 35-184 (Board of Architectural Review) prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances).
  2. **Application requirements.** An application for Board of Architectural Review shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
  3. **Criteria for approval.** The Board of Architectural Review may approve or conditionally approve the application only if it determines that the project conforms to the following standards:

- a. **Screening.** Development is screened to the maximum extent feasible as seen from public viewing places. Screening shall be achieved to the maximum extent feasible through adherence to the Site Design Hierarchy within the Gaviota Coast Plan Design Guidelines.
  - b. **Landscaping.** Landscaping, not including any agricultural crop or orchard, when mature, does not obstruct public views of the mountains or the ocean.
  - c. **Ocean views.** Development is sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and is clustered to the maximum extent feasible.
  - d. **Structure height and scale.**
    - 1) ~~The~~ Except as provided in Subsection D.3.d.1)a) below, the height of any structure located south of Highway 101 does not exceed 15 feet unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.
      - a) In no case shall the height of any structure south of Highway 101 exceed:
        - i) The height listed in this Article for the applicable zone district, or
        - ii) 25 feet if the structure is located in the Agriculture II (AG-II) zone district.
    - 2) Visible portions of structures located on lots having unobstructed broad view of the ocean shall be designed so that any intrusions into the view of the ocean, as seen from public viewing areas, is minimized to the maximum extent feasible.
    - 3) The height and/or scale development is harmonious with the surrounding area.
    - 4) The appearance of the development is not undesirable or unsightly.
4. **Appeal.** The action of the Board of Architectural Review may be appealed in compliance with Section 35-182 (Appeals).

**E. Land use limitations.**

- 1. **Greenhouses.** Greenhouses are limited to 4,000 square feet per lot.
- 2. **Overhead electrical transmission and distribution lines.** New overhead electrical transmission and distribution lines for non-agricultural development that are subject to regulation by the County are prohibited within the CVC overlay district.

**SECTION 7:**

*DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning of the Santa Barbara County Code, is amended to amend Section 35-139, Exterior Lighting, to read as follows:*

**Section 35-139. Exterior Lighting.**

All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential, or toward any environmentally sensitive habitat area. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Division 13 (Summerland Community Plan Overlay District), Division 14 (Goleta Community Plan and Eastern Goleta Valley Community Plan Overlay District), Division 15

(Montecito Community Plan Overlay District), and Division 18 (Gaviota Coast Plan Overlay) include additional requirements.

**SECTION 8:**

*DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-184.2, Applicability, of Section 35-184, Board of Architectural Review, to add a new Subsection 3 to read as follows:*

- 3. Gaviota Coast, Summerland and Toro Canyon.** In addition to the items identified in Section 35-184.2.2, for sites located within the Gaviota Coast Plan, Summerland Community Plan or the Toro Canyon Area Plan areas, the provisions of this Section shall also apply to any structure, additions to a structure, or sign, except as provided below.
- a. The structure, addition to a structure, or sign is exempt from Board of Architectural Review in compliance with Section 35-184.3 (Exceptions).
  - b. Single agricultural structures located within the Gaviota Coast Plan area that have an individual gross floor area of less than 5,000 square feet are not subject to the requirements of this Subsection 3 (Gaviota Coast, Summerland and Toro Canyon) provided:
    - 1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed 10,000 square feet per lot.
    - 2) The structure(s) complies with the following standards:
      - a) All exterior lighting is in compliance with the following:
        - i) The lighting is required for safety purposes only.
        - ii) Light fixtures are fully shielded (full cutoff and are directed downward to minimize impacts to the rural nighttime character.
        - iii) Lighting is directed away from habitat areas, and, to the extent feasible, nearby residences, public roads and other areas of public use ~~to the extent feasible~~.
      - b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.

**SECTION 9:**

*DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-184.6, Findings Required for Approval, of Section 35-184, Board of Architectural Review, to add a new Subsection 14 titled “Additional finding required for Design Review applications within the Gaviota Coast Plan area” and to read as follows:*

**14. Additional finding required for Design Review applications within the Gaviota Coast Plan area.**

Where Design Review is required in compliance with Subsection B.3, above, plans for new or altered residential structures and structures that are accessory to residential structures will be in compliance with the Gaviota Coast Plan Design Guidelines, as applicable. The Gaviota Coast Plan Design Guideline, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35-184.6.1±.

**SECTION 10:**

ARTICLE II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Division 18 titled "Gaviota Coast Plan Overlay," to read as follows:

## **DIVISION 18 GAVIOTA COAST PLAN (GAV) OVERLAY**

### **Sections:**

Section 35-400 - Purpose

Section 35-410 - Applicability and District Boundaries.

Section 35-415 - Supplemental Findings for Approval of Coastal Development Permit to Provide a Reasonable Use

Section 35-420 - Definitions.

Section 35-430 - Allowable Development and Planning Permit Requirements

Section 35-440 - Standards for All Development and Land Uses.

Section 35-450 - Standards for Specific Land Uses

Section 35-460 - Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone

Section 35-470 - Gaviota Coast Plan Area Land Use Incentive Program

### **Section 35-400. Purpose.**

The purpose of the Gaviota Coast Plan overlay is to implement the Gaviota Coast Plan by providing for specific land uses and development standards within the Gaviota Coast Plan area.

### **Section 35-410. Applicability and District Boundaries.**

The provisions of this Division shall apply to all development and land uses that is located within the Gaviota Coast Plan area in addition to all other applicable requirements of this Article. If conflicts occur between the provisions and requirements of this overlay and any other provision of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district, the provisions and requirements that are most protective of coastal resources shall control.

### **Section 35-415. Supplemental Findings for Approval of Coastal Development Permit to Provide a Reasonable Use.**

A Coastal Development Permit that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use may be approved or conditionally approved only if the decision-maker finds that LCP-consistent uses would not provide an economically viable use of the property and that the proposed development is consistent with the applicable zoning, is not prohibited by other laws or legal principles (e.g., is not a public nuisance), is the least environmentally damaging feasible alternative, and is the minimum necessary to avoid a taking. These findings are in addition to the findings required in Section 35-169 (Coastal Development Permits).

### **Section 35-420. Definitions.**

The following terms are defined for the purposes of this Division.

**Accessory Agricultural Structure.** An accessory building or structure that does not contain any kitchen or cooking facilities and is designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock or horticultural products where such buildings or structures are located in agriculturally zoned areas and support agricultural use of the lot. Accessory agricultural buildings or structures may include confined animal facilities and fencing incidental, appropriate and subordinate to the agricultural use but shall not include residential development equestrian facilities, packing or shipping facilities.

**Agricultural and Natural Resource Educational Experience.** An instructional program that integrates academic and technical preparation and includes real-world relevant experiences in areas such as agricultural business, agricultural mechanics, agriscience, animal science, forestry and natural resources, ornamental horticulture, and plant and soil science. Program components may include classroom and laboratory instruction, and supervised agricultural experience projects.



**Agricultural Employee Housing.** A dwelling occupied by ~~an~~ one or more agricultural employees including family members.

**Agricultural Product Sales.** The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on or off the premises or other products as allowed by Section 35-131 (Agricultural Sales) and this Division 18 (Gaviota Coast Plan Overlay).

**Agricultural Product Transportation Facility.** A transportation facility required to support agriculture.

**Agricultural Structural Development.** Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land.

**Airstrip, Temporary.** An airfield without normal airport facilities consisting of a landing strip or heliport that is not constructed of hard materials and is used for agricultural crop dusting or the personal use of the tenant or owner of the site and excluding public use and commercial operations.

**Animal Keeping.** The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a primary land use or subordinate to a residential use. Includes the keeping of common farm animals, apiaries, aviaries, worm farms, household pets, etc. (See also “Confined Animal Facilities”)

**Artisanal Crafts.** Anything handmade and designed by a person skilled in an applied art; examples include glass blowing, jewelry making, leatherworking, metalworking, pottery, and woodworking.

**Aquaponics.** A closed system of aquaculture in which the waste produced by farmed fish or other aquatic creatures supplies the nutrients for plants grown hydroponically which in turn purify the water in the system.

**Boat Launching Facility.** A facility specifically designed to assist with the ingress/egress of boats and other aquatic vehicles.

**Bulk Water Importation Facility.** A facility specifically designed to import bulk amounts of water including those associated with ocean going vessels, or other similar facilities.

**Campground.** A site for temporary occupancy by campers which may include individual campsites. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

**Campground, low-impact.** An area of land designed or used for “carry-in, carry-out” camping accessed by trail, including associated support facilities such as, picnic tables, potable water, self-contained chemical or composting restrooms, water tanks, portable fire suppression apparatus, but excluding roads and other structures. Low-impact campgrounds constitute a resource-dependent use.

**Caretaker/Manager Dwelling.** A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Charitable or Philanthropic Organization.** An office-type facility occupied by an organization engaged in charitable or philanthropic works serving various groups or individual persons.

**Composting Operation.** A commercial facility that produces compost from the organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations in California Code of Regulations, Title 14, Division 7.

**Conference Center.** A building or group of buildings with accessory land and structures, that provides conference facilities for persons assembled for study and discussion of educational, religious, economic, scientific, charitable, or governmental subjects, including music, art and drama, and shall include the necessary accessory and incidental housing, dining, classroom, and recreational facilities.

**Confined Animal Facilities.** Facilities where animals are corralled, penned, or otherwise housed or caused to remain in restricted areas. Confined animal facilities include corrals, fencing for pastures, barns, stables, or other development designed to house or restrict the movement of animals. Also includes animal enclosures.

**Cultivated Agriculture, Orchard, Vineyard.** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site. Examples of this land use include the following:

- |                   |        |                  |               |                       |
|-------------------|--------|------------------|---------------|-----------------------|
| field crops       | fruits | melons           | tree nuts     | vegetables            |
| flowers and seeds | grains | ornamental crops | trees and sod | wine and table grapes |

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Does not include agricultural processing or greenhouses which are separately defined. Does not include noncommercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential uses. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

- 1. Limited Slope.** "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means new or expanded agricultural activities that occur on slopes of 30 percent or less.

**Desalination Facility.** A facility specifically designed to remove salts and other chemicals from sea water to render it potable.

**Drainage Channel.** A channel, either natural or manmade, that conveys water. (See also "Stream" in Section 35-58)

**Education or Research Facility, Limited.** Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities).

**Electrical Transmission Line.** A line that is interconnected with other transmission lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

**Equestrian Facility.** A commercial facility for the boarding of horses, donkeys, and mules, and where such animals are available for hire. Examples of these facilities include:

- |                  |                             |                              |
|------------------|-----------------------------|------------------------------|
| boarding stables | horse exhibition facilities | riding schools and academies |
|------------------|-----------------------------|------------------------------|

Also includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Does not include rodeos (see "Rodeo"), or polo fields (see "Sports and Outdoor Recreation Facility").

**Farmstand.** A stand, which may be of permanent or temporary construction, that sells farm produce and other incidental items.

**Farmstay.** A type of working farm or ranch operation that is partially oriented towards visitors or tourism by providing guest accommodations. Such an operation may include interactive activities where guests participate in basic farm or ranch operations such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.

**Firewood Processing and Sales.** The conversion of raw plant material into firewood and the sale thereof.

**Fishing.** The activity of catching fish, either for food or as a sport.

**Fishing Operation.** Commercial, recreational fishing within an artificial pond or reservoir that is stocked with fish.

**Flood Control.** The act or technique of trying to control water with dams, berms, drainage, weirs, etc, to minimize occurrence of floods.

**Golf Course.** A commercial or members-only facility for playing golf, with three to 18 holes, and accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for onsite sales of golfing equipment; and golf cart repair, storage and sales facilities. Does not include driving ranges separate from golf courses or miniature golf courses unless specifically allowed.

**Grazing.** To put livestock out to feed.

1. **Limited Slope.** "Grazing - Limited Slope" means new or expanded grazing activities that occur on slopes of 30 percent or less.

**Heliport.** A designated, marked area on the ground or on a structure where helicopters may land at any time.

**Highway.** A four-lane arterial roadway with at least partial control of access which may or may not be divided or have grade separations at intersections. As a secondary type of intercity or community roadway, highways carry much of the traffic between important centers of activity and employment.

**Incentive dwelling unit.** A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons that may be allowed in addition to the principal dwelling on the same lot in exchange for implementing landowner actions consistent with the Gaviota Coast Land Use Incentive Program. The incentive dwelling unit may either be an attached incentive dwelling unit or detached incentive dwelling unit.

1. **Attached Incentive Dwelling Unit.** An incentive dwelling unit that shares a common wall with the principal dwelling.
2. **Detached Incentive Dwelling Unit.** An incentive dwelling unit not attached to the principal dwelling by a common wall.

**Kennel, Private.** Any premises or area where four or more dogs four months of age or older are kept for the private enjoyment of the occupants of the premises. This includes dogs which are kept on an agriculturally zoned lot for the purpose of herding or otherwise supporting an agricultural use of the lot or premises on which the dogs are kept.

**Lumber Processing, Milling.** A facility that produces lumber including dimensional boards and specific shaped items from harvested trees.

**Medical Services - Animal Hospital.** A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short-term care incidental to the hospital.

**Meeting Facility, Public or Private.** A facility for public or private meetings, including community centers, religious institutions, civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi- purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support. Does not include: sports or commercial facilities; theaters; or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

**Meeting Facility, Religious.** A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only.

**Mining.** The extraction of mineral resources through surface or underground mining operations, including the following.

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth.
2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

**Non-Principal Permitted Use.** A use that is not identified as a principal permitted use in this Article. A Coastal Development Permit application for a non-principal permitted use is subject to a public hearing, unless waived, and the approval or conditional approval of the Coastal Development Permit application is subject to appeal to the Coastal Commission as specified in Section 35-182.6.

**Office - Accessory.** Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.

**Principal use/principal structure.** The primary use(s) or primary structure(s) on a lot to which other uses and structures are accessory. This term is unrelated to the definition of "principal permitted use."

**Principal Permitted Use.** A use that clearly carries out the designated land use and the intent and purpose of a particular zone. Where a land use is identified as a principal permitted use in this Division, the approval or conditional approval of a Coastal Development Permit application for that use is not subject to appeal to the Coastal Commission except as specified in Section 35-182.6 (Appeals).

**Product Preparation.** The preparation of agricultural and horticultural product by activities including drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain to facilitate marketing and wholesale sales.

**Public Works or Private Service Facility.** A base facility from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or private service entity. Includes equipment and materials storage, and "corporation" yards.

**Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which occupy an area of 350 square feet or less and may include a mobile unit.
2. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

**Repair Service - Equipment, Large Appliances, etc.** A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, the repair of small home appliances and electronic equipment, maintenance and repair activities that occur on the client's site, or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the onsite sales.

**Reservoir.** A natural or artificial pond or lake used for the storage and regulation of water.

**Resource-dependent Use.** A use that is dependent on environmentally sensitive habitat (ESH) areas to function (e.g., nature study, habitat restoration, low-impact campgrounds, and public trails).

**Revetment.** A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. (See also “Sea Wall” and “Shoreline Protective Device”)

**Rodeo.** A public or private competition or exhibition in which skills such as riding and roping are displayed.

**Rural Recreation.** Low intensity recreational uses including campgrounds with minimum facilities, hunting clubs, retreats, and summer camps. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

**School.** A public or private academic educational institution, examples include:

boarding school	elementary, middle, junior high, and high schools
community college, college or university	military academy

**Sea Wall.** ~~Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland~~ A structure separating land and water areas, primarily designed to prevent erosion and other damage from wave action or flooding during storms. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also “Revetment” and “Shoreline Protective Device”)

**Shoreline Protective Device.** A broad term for constructed features such as seawalls, revetments, rip-rap, earthen berms, cave fills, and bulkheads that block the landward retreat of the shoreline and are used to protect structures and other features from erosion and other hazards. (See also “Revetment” and “Sea Wall”)

**Sports and Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator- oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, stadiums and coliseums.

**Sports and Outdoor Recreation Facility.** Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer)	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball)
skateboard parks	

**Trail.** ~~A marked or beaten path, as through woods or wilderness route that is designed, designated, constructed, or established through historic use for recreational pedestrian, hiking, biking, or equestrian riding use. Also, recreational routes that are designed to provide access for persons with mobility impairments.~~

**Transit Station or Terminal.** A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Tree Nut Hulling.** Removing the soft outer hull (also known as the husk) from the nut by manual or mechanical methods.

**Truck or Freight Terminal.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

freight forwarding services	packing, crating, inspection and weighing services
freight terminal facilities	postal service bulk mailing distribution centers joint
terminal and service facilities	transportation arrangement services
overnight mail processing facilities	trucking facilities, including transfer and storage

**Utility Service Line.** A line providing electricity, gas, television, and other similar utilities.

**Water Diversion Project.** The diversion of water from a natural channel to another location through alteration of the natural channel and/or artificial structures.

**Water Extraction, Commercial.** The pumping and processing of natural, carbonated or mineral water from a well for commercial purposes, including bottling, shipping, storage and trucking.

**Water System.** A system for the extraction and provision of water utilizing a well or wells and including any collection, treatment, storage and distribution facilities.

**Winery.** A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the re-fermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing.

### **Section 35-430. Allowable Development and Planning Permit Requirements.**

**A. Applicability.** This Division applies to all property located within the Gaviota Coast Plan area and describes the land uses that are allowed in the Gaviota Coast Plan area and planning permit requirements for each use. This Division supersedes and replaces the permitted uses and conditionally permitted uses that are listed in the following sections of this Article:

1. Sections 35-69.3 (Permitted Uses), 35-69.4 (Uses Permitted With a Major Conditional Use Permit) and 35-69.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-69 (AG-II - Agriculture II) of Division 4 (Zoning Districts).
2. Sections 35-70.3 (Permitted Uses), 35-70.4 (Uses Permitted With a Major Conditional Use Permit) and 35-70.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-70 (RR - Rural Residential) of Division 4 (Zoning Districts).
3. Sections 35-87.3 (Permitted Uses), 35-87.3a (Other Uses that are not Coastal-Dependent Industry) and 35-87.4 (Uses Permitted With a Major Conditional Use Permit) of Section 35-87 (M-CD - Coastal Dependent Industry) of Division 4 (Zoning Districts).
4. Sections 35-89.5 (Permitted Uses), 35-89.6 (Uses Permitted With a Major Conditional Use Permit) and 35-89.7 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-89 (REC - Recreation District) of Division 4 (Zoning Districts).
5. Sections 35-90.3 (Permitted Uses), 35-90.4 (Uses Permitted With a Major Conditional Use Permit) and 35-90.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-90 (RES - Resource Management) of Division 4 (Zoning Districts).
6. Sections 35-93.3 (Permitted Uses), 35-93.4 (Uses Permitted With a Major Conditional Use Permit) and 35-93.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-93 (TC - Transportation Corridor) of Division 4 (Zoning Districts).
7. Section 35-144J (Animal Keeping) of Division 7 (General Regulations).
8. Section 35-147 (Processing) of Division 8 (Services, Utilities and Other Related Facilities).
9. Section 35-172.4 (Minor Conditional Use Permits).
10. Section 35-172.5 (Major Conditional Use Permits).

**B. Allowable land uses.** The land uses allowed by this Division within the Gaviota Coast Plan area in each zone and overlay zone are listed in Subsection E (Allowed land uses), below, together with the type of planning permit required for each use. Resource dependent uses (i.e., uses that are dependent on environmentally sensitive habitat

in order to function), including public access and other uses not listed in Subsection E, are also allowed in each zone district.

1. **Establishment of an allowable use.** Any land use identified in Subsection E (Allowed land uses and permit requirements), below, as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection C (Permit requirements), below, and compliance with all applicable requirements of this Article.
  2. **Use not listed.** A land use not shown on Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements), below, is not allowed except for any resource dependent use in any zone district and as otherwise provided in this Division or in compliance with Subsection B.3 (Similar and compatible uses may be allowed), below.
  3. **Similar and compatible use may be allowed.** In addition to uses allowed in compliance with Subsection E (Allowed land uses and permit requirements), below, in the REC and TC zones the Commission may determine that a proposed use not listed in this Division is allowable in compliance with the following, as applicable.
    - a. **REC.** Any other use which the Commission determines to be similar in nature to the uses listed as a “P” use in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements), below.
    - b. **TC.** Any other use which the Commission determines to be required for the purpose of operating a highway, railroad, or trail.
- C. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code. Unless exempt in compliance with Section 35-571B (Exemptions from Planning Permit Requirements), or Section 35-430.D (Exempt activities and structures), below, all development requires the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), including development not specifically listed in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements).
1. **General planning permit requirements.** The land uses identified in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) provide for land uses that are:
    - a. Permitted subject to compliance with all applicable provisions of this Article, subject to first obtaining a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) as applicable and shown as “P” uses in the tables. Permitted uses are shown in the table as either “PP,” which denotes a Principal Permitted Use or “P,” which denotes a non-principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).
    - b. Allowed subject to the approval of a Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "MCUP" uses in the tables. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Minor Conditional Use Permit.
    - c. Allowed subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "CUP" uses in the tables. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major Conditional Use Permit.
    - d. Allowed as an exempt use as listed in Section 35-571B (Exemptions from Planning Permit Requirements) or in Section 35-430.D (Exempt activities and structures). The exempt use or structure

is exempt only if it is in compliance with the requirements of Section 35-571B (Exemptions from Planning Permit Requirements) or Section 35-430.D (Exempt activities and structures).

- e. Allowed subject to the type of County approval required by a specific provision of this Article and shown as "S" uses in the tables.
- f. Not allowed in particular zones and shown as "—" in the tables.
- g. Where the last column ("Specific Use Regulations") in Table 18-2 (Allowable Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Development Plan, or Major or Minor Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

**2. Coastal Development Permit.** Proposed development and land uses within the Coastal Zone portion of the Gaviota Coast Plan area shall require the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), unless otherwise indicated in this Division or if located within the ~~original-retained~~ permit jurisdiction of the Coastal Commission, in which case a Land Use Permit in compliance with Section 35-178 (Land Use Permits) is required following the issuance of a Coastal Development Permit by the Coastal Commission.

**3. Biological Study.** In addition to other application requirements, an application for a Coastal Development Permit for proposed development, including fuel modification, within or with the potential to impact native habitat, habitat that may support sensitive species, habitat that may be part of a wildlife corridor, and/or an Environmentally Sensitive Habitat (ESH) area, as defined in Policy NS-4, shall include a detailed biological study of the site, prepared by a qualified biologist, or resource specialist. Site-specific conditions may dictate that additional study is required, such as protocol level surveys for listed species. At a minimum, the site-specific biological study must include the elements listed in Appendix I: Biological Study Requirements within the Gaviota Coast Plan Area.

**D. Exempt activities and structures.** Within the Gaviota Coast Plan area, the following land uses, activities and structures are exempt from the requirements of this Article and Division to obtain a Coastal Development Permit in addition to those land uses, structures and activities enumerated in Section 35-571B (Exemptions from Planning Permit Requirements) provided compliance with Section 35-571B.A (General Requirements for Exemption) is demonstrated unless the development does not qualify as exempt pursuant to subsection B.1 of Section 35-51B (Exemption does not apply).

**1. Animal keeping.** Animal keeping when shown as an "E" in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) in compliance with Section 35-450.B (Animal keeping).

**2. Cultivated agriculture, orchards, and vineyards, historic, ongoing use.** Cultivated agriculture, orchards, and vineyards where the agricultural activities occur within existing areas of ongoing cultivated agriculture, orchards, and vineyards, including crop rotation, soil enhancement, compost application, creation of pollinator habitat, and irrigation system changes that support the ongoing use and enable the operation to respond to changing conditions, and where there is evidence of ongoing agricultural use on the site within the previous 20 year period do not constitute "development" and therefore do not require a permit. New or expanded cultivated agriculture, orchards, and vineyards are not exempt and shall be subject to the permit requirements of Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area).

**3. Farmstands.** Farmstands when in compliance with Section 35-460.E.1 (Farmstands).

**4. Grazing, historic, ongoing use.** Grazing when located in existing areas of ongoing grazing, including the normal rotation of livestock from one pasture to another, fencing for pastures, rangeland enhancement, compost application, and livestock watering system changes that support the ongoing use and enable the operation to respond to changing conditions, and where there is evidence of ongoing grazing use on the site within the previous 20 year period does not constitute "development" and therefore does not require a permit.



New or expanded grazing areas are not exempt and shall be subject to the permit requirements of Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area).

**E. Allowable land uses and permit requirements.**

1. **General permit requirements.** Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area), below, identify the uses of land allowed within the Gaviota Coast Plan area and the planning permit required to establish each use, in compliance with Division 11 (Permit Procedures).
2. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a section number, the referenced Section may affect whether the use requires a Coastal Development Permit or a Land Use Permit, Development Plan, Minor Conditional Use Permit or Major Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
3. **Accessory structures and uses.** Each use allowed by Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) may include accessory uses and structures that are customarily incidental to the principal use. Accessory structures and uses that are incidental, appropriate, and subordinate to the designated principal permitted use for each zone may be considered a component of the Principal Permitted Use and are shown in the table as "PP." Non-Principal Permitted Uses are shown in the table as "P." For accessory structures and uses that are not specifically listed in Table 18-2, the Director shall determine if the structure or use is a component of the Principal Permitted Use or is a non-Principal Permitted Use.
4. **Development Plan approval required.** Except as provided below, the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance.
  - a. **AG-II zone.** Section 35-169.2.2 does not apply to development proposed on property zoned AG-II located within the Gaviota Coast Plan area and instead the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for the following structural development that is not otherwise required by this Section to have discretionary permit approval:
    - 1) **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see Section 35-58 (Definitions)) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.
      - a) **Floor area not included in total gross floor area.** The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection E.4.a.1), above.
      - 2) **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:
        - a) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
        - b) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:

- i) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
  - ii) There is an active, unexpired planning permit that allows for the construction of a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or
  - iii) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
- c) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in Table 18-1 (Development Plan Thresholds), below. Total gross floor area includes the gross floor area of agricultural structural development and non-agricultural structural development, both existing and proposed.

**Table 18-1 - Development Plan Thresholds**

<b>Lot Size (acres)</b>	<b>Threshold (sq. ft.)</b>
Less than 40	20,000
40 to less than 100	25,000
100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

- d) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection E.4.a.2)c), above.
- i) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-571B (Exemptions from Planning Permit Requirements).
  - ii) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development where each structure does not exceed 3,000 square feet of gross floor area, has three or fewer walls, and at least one of the long sides of the structure is open and only utilizes posts to support the roof.
- e) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection E.4.a.2)c) and Subsection E.4.a.2)d), above, shall comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan), below. Proposed structures that do not comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan) may be allowed in compliance with an approved Final Development Plan.

**b. M-CD zone.** On property zoned M-CD:

- 1) **Oil and gas facilities.** Development related to oil and gas facilities shall be issued in compliance with the permit requirements and development standards of Division 9 (Oil and Gas Facilities).

- 2) **Other development.** For development other than that related to oil and gas facilities, the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
- c. **REC zone.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for all development including grading.
- d. **RES and RR zones.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
- e. **TC zone.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for all development including excavation and grading.
5. **Design Review.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or alteration of an existing structure in compliance with Section 35-184 (Board of Architectural Review).
6. **Standards for agricultural structural development that does not require a Development Plan.** In addition to other development standards required by this Article, above, all development associated with the construction of agricultural structural development on lots zoned AG-II that does not require the approval of a Final Development Plan in compliance with Subsection E.4 (Development Plan approval required), above, shall comply with all of the additional development standards listed below. If conflicts occur between these requirements and any other provisions of the County Code, the Local Coastal Program, the primary zone, and any applicable overlay district, the requirements that are most protective of coastal resources shall control.

- a. The development protects and maintains continued and renewed agricultural production and viability on site and does not impact adjacent agricultural lands. The development is sited and designed to avoid or minimize significant impacts to agricultural land (i.e., prime agricultural land or non-prime land suitable for agriculture) to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations consistent with the operational needs of agricultural production. If use of such land is necessary for agricultural structural development, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development, and agricultural structures shall be clustered with other existing structures to the maximum extent feasible.
- b. The development avoids environmentally sensitive habitat areas (ESH). If avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected and findings shall be made pursuant to Section 35-415 (Supplemental Findings for Approval of Coastal Development Permit to Provide a Reasonable Use).
- bc. The development is located a minimum of 100 feet from the following environmentally sensitive habitat areas (ESH) and a minimum of 50 feet from Monarch butterfly tree ESH, as described in Section 35-440. That are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case by case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.

- e~~d~~. The development preserves natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- d~~e~~. The development is compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
  - 1) Any exterior lighting is required for safety purposes only and complies with the following requirements:
    - a) Light fixtures are fully shielded (full cutoff) and directed downward to minimize impacts to the rural nighttime character.
    - b) ~~To the extent feasible, lighting is directed away from habitat areas;~~ and to the extent feasible, nearby residences, public roads and other areas of public use.
  - 2) Building materials and colors (earth tones and non-reflective paints) that are compatible with the surrounding natural environment are used to maximize the visual compatibility of the development with surrounding areas.

<b>Table 18-2</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZCE	Allowed use, <del>Zoning Clearance</del> No Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	AG-II	M-CD(3)	REC	RES	RR	TC	

**AGRICULTURAL, MINING & ENERGY FACILITIES**

Agricultural accessory structure	PP	—	—	P	P	—	35-119
Agricultural processing facility	S	—	—	—	—	—	35-460.D
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	—	35-450.B
Aquaculture	CUP	PP	—	—	CUP	—	35-460.F
Aquaponics	PP	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	PP(8)	—	—	CUP (4)(8)	EP(8)	—	35-450.A
Grazing	PP(8)	—	—	MCUP (5)(8)	—	—	
Greenhouse, 300 sf or less	PP	—	—	—	P	—	
Greenhouse, more than 300 sf	P(7)	—	—	—	CUP (6)	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	—	—	CUP	—	35-177
Mining - Surface, less than 1,000 cubic yards	P	P	—	—	P	—	35-177
Mining - Surface, 1,000 cubic yards or more	P	CUP	—	—	CUP	—	35-177
Oil and gas uses	S	S	—	S	S	—	Division 9
Winery	CUP	—	—	—	—	—	35-460.L

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Composting	S	—	—	—	—	—	35-460.G
Firewood processing and sales	S	—	—	—	—	—	35-460.H
Lumber processing and milling (small scale)	S	—	—	—	—	—	35-460.I
Recycling - Community recycling facility	—	—	—	—	—	CUP	
Recycling - Small collection center	—	—	—	—	—	CUP	
Recycling - Small collection center, non-profit	—	—	—	—	—	CUP	
Recycling - Specialized materials collection center	—	—	—	—	—	CUP	

**Key to Zone Symbols**

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

**Notes:**

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Must meet definition of "Cultivated agriculture, orchard, vineyard - Limited Slope."
- (5) Must meet definition of "Grazing - Limited Slope."
- (6) Greenhouses, hothouses, other plant protection structures in excess of 300 square feet and related development, e.g., packing sheds, parking, driveways, subject to the limitations provided in the AG-IRR District.
- (7) Greenhouses and greenhouse related development that are cumulatively less than 20,000 square feet in area may be permitted as a Principal Permitted Use (PP).
- (8) See Section 35-430.D (Exempt activities and structures) for ongoing cultivation and grazing.

<b>Table 18-2 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZCE	Allowed use, <del>Zoning Clearance</del> <del>No Permit</del> required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use</b>
	<b>AG-II</b>	<b>M-CD(3)</b>	<b>REC</b>	<b>RES</b>	<b>RR</b>	<b>TC</b>	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Education or research facility, limited	—	—	—	PP	—	—	
Equestrian facility	CUP	—	CUP	—	CUP	—	
Golf course	—	—	P	—	CUP	—	
Meeting facility, religious	— (4)	—	— (4)	— (4)	CUP	—	
Rural recreation	S	—	P	CUP	—	—	35-450.C
School	CUP (5)	—	CUP	—	CUP	—	<u>35-450.D</u>
Sport and outdoor recreation facility	—	—	CUP	—	CUP	—	
<del>Private</del> Trail for bicycles, hiking or riding	P	P	P	P	P	P	
Public trail for bicycles, hiking or riding	PP	PP	PP	PP	PP	PP	

**RESIDENTIAL USES**

Agricultural employee housing, 4 or fewer employees	PP	—	—	—	—	—	35-460.C
Agricultural employee housing, 5 or more employees	CUP	—	—	—	—	—	35-460.C
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	PP	—	—	P	PP	—	
Farmworker dwelling unit (7)	PP	—	—	PP	PP	CUP (8)	<u>35-144.P</u>
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	<u>35-144.P</u>
Guesthouse	P	—	—	P	P	—	35-120
Home occupation	PP	—	—	PP	PP	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470
Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P(11)	—	MCUP	P	PP	—	35-119
<del>Accessory dwelling unit Residential second unit</del>	<del>PP</del>	—	—	<del>P</del>	<del>PP</del>	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143

**RETAIL TRADE**

Agricultural product sales	S (9)	P (10)	—	—	S (10)	—	
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**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II	<b>REC</b>	Recreation	<b>RR</b>	Rural Residential
<b>M-CD</b>	Coastal-Dependent Industry	<b>RES</b>	Resource Management	<b>TC</b>	Transportation Corridor

**Notes:**

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) The proposed use may be allowed pursuant an approved CUP if the proposal would otherwise satisfy the criteria for a CUP and prohibiting such use would result in a violation of the federal Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc.
- (5) See Section 35-450.D (School development) for specific use regulations.
- (6) May also include dwellings for the employees of the owner or lessee of the land engaged in a permitted use of the land on which the dwelling is located.
- (7) One-family dwelling may be a mobile home on a permanent foundation, see Section 35-141 (Mobile Homes on Foundations).
- (8) Only if single-family dwellings are allowed as a permitted use in an abutting zone district.
- (9) See 35-460.E (Agricultural product sales) for specific use regulations.
- (10) Limited to the on-site production only; see 35-131 (Agricultural Sales) for specific use regulations.
- (11) Detached garages, carports, storage sheds, fences, and swimming pools associated with a residential dwelling may be considered part of the Principal Permitted Use (PPU).

<b>Table 18-2 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZCE	Allowed use, <del>Zoning Clearance</del> No Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>AG-II</b>	<b>M-CD(3)</b>	<b>REC</b>	<b>RES</b>	<b>RR</b>	<b>TC</b>	

**SERVICES**

Charitable or philanthropic organization	—	—	CUP	—	CUP	—	
Large family day care home	P	—	P	P	P	—	35-143
Small family day care home	E	E	E	E	E	—	35-143
Child care center, Non-residential	MCUP	—	—	—	MCUP	—	
Child care center, Residential	MCUP	—	—	—	MCUP	—	
Medical services - Animal hospital	CUP	—	—	—	—	—	
Office - Accessory	P	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	CUP	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	CUP	—	—	—	—	

**TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE**

Agricultural product transportation facility	CUP	—	—	—	—	—	
Airstrip, temporary	CUP	CUP	CUP	CUP	CUP	CUP	
Boat launching facility accessory to approved recreation use	—	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	P	P	P	P	P	P	Division 8
Drainage channel, water course, storm drain 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Electrical substation - Minor (4)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (5) (6)	CUP	CUP	CUP	CUP	CUP	CUP	Division 8
Flood control project less than 20,000 sf total area	P	P	P	P	P	P	Division 8
Flood control project 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	
Highway and related facilities	—	—	—	—	—	PP	
Parking facility, public or private	—	—	—	—	—	PP(7)	
Pier, dock	—	P	P	—	—	—	
Pipeline - Oil or gas	P	P	—	—	—	—	Division 9
Public utility facility	—	CUP	—	—	—	—	
Public works or private service facility	—	MCUP	—	—	—	—	
Railroad	—	—	—	—	—	P	
Road, street less than 20,000 sf total area	P	P	P	P	P	PP	Division 8
Road, street 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Roadside rest area operated by a governmental agency	—	—	—	—	—	P	
Sea wall, revetment, groin, or other shoreline structure	CUP	CUP	CUP	CUP	CUP	CUP	
Telecommunications facility	S	S	S	S	S	S	35-144F 35-144.G
Transit station or terminal	—	—	—	—	—	P	
Truck and freight terminal - Permanent	—	—	—	—	—	P	
Truck and freight terminal - Temporary	—	—	—	—	—	MCUP	
Utility service line with less than 5 connections (6)	P(8)	P(8)	P(8)	P(8)	P(8)	P(8)	Division 8
Utility service line with 5 or more connections (6)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wind turbine and wind energy system	—	—	—	—	—	—	

**Key to Zone Symbols**

<b>AG-II</b>	Agriculture II	<b>REC</b>	Recreation	<b>RR</b>	Rural Residential
<b>M-CD</b>	Coastal-Dependent Industry	<b>RES</b>	Resource Management	<b>TC</b>	Transportation Corridor

**Notes:**

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Use is subject to the standards of the PU zone.
- (5) Does not include electrical transmission lines outside the jurisdiction of the County.
- (6) Not allowed in the CVC overlay.
- (7) May include park and ride facilities.
- (8) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).

<b>Table 18-2 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area</b>	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	<u>ZCE</u>	Allowed use, <del>Zoning Clearance</del> No Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use
	AG-II	M-CD(3)	REC	RES	RR	TC	

**WATER SUPPLY & WASTEWATER FACILITIES**

Bulk water importation facility	CUP	CUP	—	CUP	CUP	—	Division 8
Desalination facility, less than 15 connections	MCUP	MCUP	—	MCUP	MCUP	—	Division 8
Desalination facility, 15 to less than 200 connections	CUP	CUP	—	CUP	CUP	—	Division 8
Onsite Wastewater Treatment System, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Onsite Wastewater Treatment System, individual, conventional	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	Division 8
Onsite Wastewater Treatment System, individual, supplemental	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	MCUP	Division 8
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	Division 8
Reservoir, 20,000 sf and more total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wastewater treatment facility, less than 200 connections	CUP	—	—	CUP	CUP	—	Division 8
Water diversion project	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water extraction, commercial, including storage and trucking	—	CUP	—	—	CUP	—	Division 8
Water or sewer system pump or lift station	P	P	P	P	P	P	Division 8
Water system with 1 connection	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	Division 8
Water system with 2 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water well, agricultural	PP	P	—	P	P	—	

**Key to Zone Symbols**

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

**Notes:**

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).

**Section 35-440. Standards for All Development and Land Uses.**

All development and land uses within the Gaviota Coast Plan area shall comply with all the following development standards in addition to all other applicable standards contained in this Article.

- A. **Air quality disclosure statement.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) for residential developments that are located within 500 feet of Highway 101, a Notice to Property Owner shall be required to be recorded by the property owner that provides an Air Quality Disclosure Statement to potential buyers of the property. The Air Quality Disclosure Statement shall summarize the results of technical studies that reflect a health concern resulting from the exposure of children to air quality emissions generated within 500 feet of Highway 101.
- B. **Outdoor lighting.**
  1. **Purpose and intent.** The purpose of this Subsection is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security, and productivity.



2. **Applicability.** All exterior lighting installed on or after [*effective date of this ordinance*] within the Gaviota Coast Plan area shall comply with the following requirements.
3. **Application requirements.** In addition to the permit application submittal requirements required in Section 35-57A (Application Preparation and Filing), any application for a permit that includes outdoor light fixtures shall include plans showing the location and lumen output of all outdoor light fixtures, both existing and proposed.
4. **Approved materials and methods of installation.** The provisions of this Subsection are not intended to prevent the use of any design, material, or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material, or method:
  - a. Provides approximate equivalence to the specific requirements of this Subsection.
  - b. Is otherwise satisfactory and complies with the intent of this Subsection.
5. **Prohibited lights and lighting.**
  - a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise the following day, except that on-premises signs may be illuminated while the business is open to the public.
  - b. All outside illumination for aesthetic and decorative purposes that is not fully shielded (full cutoff) shall be prohibited between 9:00 p.m. and sunrise the following day.
  - c. Except for fully shielded (full cut off) lights, lighting associated with an outdoor recreational facility may only be illuminated between 9:00 p.m. and sunrise the following day to complete a specific organized recreational event, in progress and under illumination in conformance with this Subsection.
  - d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies by police and/or fire personnel, or for the purposes of gathering meteorological data.
  - e. Mercury vapor lights.
6. **Exemptions.** The following are exempt from the provisions of this Subsection.
  - a. All outdoor lighting fixtures lawfully installed prior to [*effective date of this ordinance*] are exempt from the shielding requirements of this Subsection; however, they shall be subject to the remaining requirements of this Subsection, except that fully shielded (full cutoff) lights are not subject to a time restriction.
  - b. Fossil fuel lights.
  - c. Traffic control signs and devices.
  - d. Street lights installed prior to [*effective date of this ordinance*].
  - e. Temporary emergency lighting (e.g., fire, police, public works).
  - f. Moving vehicle lights.
  - g. Navigation lights (e.g., airports, heliports, radio/television towers).
  - h. Seasonal decorations with individual lights in place no longer than 60 days.

- i. Lighting for special events as provided by Subsection ~~A-9.a~~ (Temporary exemption), below.
  - j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.
  - k. Except as provided below, security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 12 minutes after activation.
    - a) Security lights are required to be fully shielded in order to be exempt in compliance with this Subsection B.6.
  - l. Light fixtures shown on building permits that were approved prior to [*effective date of this ordinance*] are excluded from compliance with this Subsection for the initial installation only.
  - m. Solar walkway lights.
7. **General requirements.** All non-exempt light fixtures that require a County permit prior to installation shall be subject to the following general requirements:
- a. All outdoor light fixtures installed after [*effective date of this ordinance*] and thereafter maintained upon private property, public property, or within the public right-of way is fully shielded (full cutoff).
    - 1) Sign illumination only illuminates the signage and does not spill into adjacent areas.
  - b. All replaced or repaired lighting fixtures requiring a permit are subject to the requirements of this Subsection.
  - c. Light trespass and glare is reduced to the maximum extent feasible through downward directional lighting methods.
  - d. Externally illuminated signs, advertising displays, and building identification use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
  - e. Outdoor light fixtures used for outdoor recreational facilities are fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods are utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
  - f. Illumination from recreational facility light fixtures is shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.
  - g. All lighting fixtures shall be installed at the minimum height necessary to achieve the design purpose of the lighting fixture.
  - h. All exterior lighting shall be directed away from environmentally sensitive habitat areas.
8. **Submittal of plans and evidence of compliance.** Any application for a permit that includes outdoor light fixtures (except for exempt fixtures in compliance with this Subsection) shall include evidence that the proposed outdoor lighting will comply with this Subsection.
- a. The application shall include:
    - 1) Plans showing the locations of all outdoor lighting fixtures.

- 2) Description of the outdoor lighting fixtures, including manufacturer's catalog cuts and drawings. Description and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.
- b. The plans and descriptions required to be submitted with the application shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection have been met.

**9. Temporary exemption.**

- a. The Director may grant a temporary exemption, as defined herein, for such activities including circuses, fairs, carnivals, sporting events, and promotional activities, only if all of the following findings are first made:
- 1) The activity for which the lighting is proposed is not intended to extend beyond 30 days.
  - 2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
  - 3) The proposed lighting will comply with the general intent of this Subsection.
- b. The application for a temporary exemption shall at a minimum include all of the following information:
- 1) Name and address of applicant and property owner.
  - 2) Location of proposed fixtures.
  - 3) Type, wattage, and lumen output of lamp(s).
  - 4) Type and shielding of proposed fixtures.
  - 5) Intended use of lighting.
  - 6) Duration of time for requested exemption.
  - 7) The nature of the exemption.
  - 8) Such other information as the Department may request.

**C. Agricultural resources and prime agricultural soils.**

1. Development that is not a component of the agricultural principal permitted use shall be permitted in compliance with Gaviota Coast Plan Development Standard AG-1 (Coastal).
2. Agricultural structural development and structures that are a component of the agricultural principal permitted use, including agricultural facilities, primary single-family dwellings ~~residential structures~~, or greenhouses that do not rely on in-ground cultivation, within the agricultural zones shall be sited to avoid prime agricultural soils and non-prime land suitable for agriculture to the maximum extent feasible in compliance with Gaviota Coast Plan Development Standard AG-1.A (Coastal).
3. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, agricultural accessory structures, agricultural product processing and sales facilities, and residential structures (such as primary residential dwelling, accessory dwelling units, guesthouse, cabana/pool house, artist studio, incentive dwelling unit, agricultural employee housing, and farmworker dwelling or housing complex) shall be clustered to the maximum extent feasible and their footprints shall be minimized, consistent with all applicable policies and provisions of the Local Coastal Program.

**D. Signs and advertising structures.**

1. Signs and advertising structures that are accessory to a use allowed in the AG-II zone may be allowed in compliance with Section 35-138 (Signs and Advertising Structures).
2. Signs are development that require the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) except where exempt in compliance with Section 35-430.D (Exempt activities and structures).
  - a. A sign that is incidental, appropriate and subordinate to a use designated as a Principal Permitted Use shall be also be considered a Principal Permitted Use.
  - b. If the issuance of a Coastal Development Permit in compliance Section 35-169 (Coastal Development Permits) is required then a Sign Certificate of Conformance shall not be required in addition to the Coastal Development Permit.

**E. Natural resources and environmentally sensitive habitat (ESH).**

If conflicts occur between these requirements and any other provisions of the County Code, the Local Coastal Program, the primary zone, and any applicable overlay district, the requirements that are most protective of coastal resources shall control.

1. Non-resource dependent development shall avoid ESH. If avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected and findings shall be made pursuant to Section 35-415 (Supplemental Findings for Approval of Coastal Development Permit to Provide a Reasonable Use).
2. Non-resource dependent development shall be located a minimum of 50 feet from Monarch butterfly tree ESH and 100 feet from all other ESH, including, but not limited to:
  - a) Native Forests and Woodlands including, but not limited to: madrone forest, tanoak forest, black cottonwood forest, Bishop pine forest, California sycamore woodlands, coast live oak woodland, Valley oak, red willow thickets, and California bay forest
  - b) Native Chaparral and Coastal Scrub Habitats that are part of a large, contiguous area of native habitat, or rare Native Chaparral, Coastal Bluff Scrub, and Coastal Scrub Habitats, including, but not limited to: Burton Mesa shrubland chaparral, central maritime chaparral, wart leaf Ceanothus chaparral, giant Coreopsis scrub, bush monkeyflower scrub, California brittle bush scrub, sawtooth goldenbush scrub, silver dune lupine-mock heather scrub, lemonade berry scrub, and white sage scrub
  - c) Native Grassland and rare herbaceous vegetation, including, but not limited to: Dune mats, Western rush marshes, meadow barley patches, giant wildrye grassland, creeping ryegrass turfs, foothill needlegrass grasslands, purple needlegrass grasslands
  - d) Creeks, Streams, and Coastal Wetlands, including, but not limited to: estuarine, riverine, riparian habitats, and vernal pools
  - e) Marine mammal haulouts
  - f) Raptor nesting, roosting, and breeding areas and white-tailed kite foraging areas
  - g) Special status species habitats
3. The 100 ft. setback may be adjusted upward on a case-by-case basis given site specific evidence provided by a biological report prepared by a qualified biologist (e.g., a larger buffer may be required in order to fully protect formally listed Endangered Species, such as California red-legged frog) or when necessary to accommodate expected future migration of the shoreline and/or wetlands caused by sea level rise over the anticipated life of the proposed development. Where adjusted upward, as necessary to prevent significant

disruption of habitat values, the required minimum buffer shall not preclude reasonable use of a parcel consistent with applicable law. Adjustment of a stream or riparian ESH buffer shall be based on an investigation of the following factors and, after consultation with the Department of Fish and Wildlife and Regional Water Quality Control Board. All buffers shall be sufficient to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- Existing vegetation, soil types and stability of stream and riparian corridors;
- How surface water filters into the ground;
- Slope of the land on either side of the stream;
- Location of the 100 year flood plain boundary; and
- Consistency with adopted Gaviota Coast Plan and Coastal Land Use Plan policies.

In all cases listed above, buffers may be adjusted downward only to avoid precluding reasonable use of property.

Legally existing development at El Capitan Canyon Campground may be maintained, repaired, replaced, and/or reconfigured provided that it does not result in a decrease in a buffer established under the existing Conditional Use Permit.

4. Development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.

#### **F. Visual resources.**

Development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards. Building materials and colors (earth tones and non-reflective paints) shall be compatible with the surrounding natural environment and used to maximize the visual compatibility of the development with surrounding areas.

### **Section 35-450. Standards for Specific Land Uses.**

**A. Agriculture.** Agricultural cultivation, such as the installation of new areas of cultivated agriculture, orchards or vineyards, located on slopes of 30 percent or greater on agriculturally zoned lands shall adhere to the best management practices in the Steep Slope Guidelines, Gaviota Coast Plan Appendix D, to ensure slope stabilization, soil conservation, and water quality control.

#### **B. Animal keeping.**

1. **Purpose and intent.** This Subsection identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Subsection is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.
2. **Applicability.** This Subsection applies to any keeping of animals as either an accessory and incidental use or principal use, except for animal clinics, animal hospitals and veterinarian offices. This Subsection shall not apply to animals that are less than six months in age.
3. **In general.**
  - a. Animal keeping uses shall comply with the standards in Subsection B.6 (Specific animal keeping standards), below, and other applicable standards and requirements of this Article.

- b. Animal keeping activities are subject to the requirements of this Subsection regardless of whether a permit is required.
  - c. Additional permits may be required by other provisions of this Article for structures used to enclose or house animals. Confined animal facilities require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) unless otherwise exempt in compliance with Section 35-51B (Exemptions from Planning Permit Requirements) or 35-430.D (Exempt activities and structures). Confined animal facilities that are incidental, appropriate and subordinate to animal keeping designated as a Principal Permitted Use are also considered a Principal Permitted Use.
  - d. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.
4. **Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.** Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) identifies the type of animal or animal keeping activity allowed in ~~the AG-H~~ each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table (“Additional Regulations”) includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity. In cases where confined animal facilities have been legally established for a given animal-keeping activity, a Coastal Development Permit is not required for replacement of animals or the addition of animals provided that the total amount of animals does not exceed the maximum number allowed on the lot on which the animal keeping occurs in compliance with Table 18-3. The establishment of new or additional confined animal facilities requires a Coastal Development Permit.
5. **Use of property for animals different in species or greater in number.** A lot may be used for the keeping of animals that are of a different species than those identified, or where the number of animals is greater than that specified, in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
6. **Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and this Article.
- a. **Household pets.** Where allowed in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area), household pets shall be kept in compliance with the following standards. The restrictions contained in this Subsection B.6.a shall not apply if an animal may be kept in compliance with a different “Type of Animal or Animal Keeping Activity” listed in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) for the applicable zone.
    - 1) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
    - 2) No more than three dogs permitted on a single lot.
    - 3) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
    - 4) 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.
    - 5) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.

6) No rooster or peacock shall be kept or raised on the lot.

**b. Special standards and requirements for animal keeping in the RES zone.** In the RES zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.

**c. Special standards and requirements for animal keeping in the RR zones.** In the RR zone, animal keeping shall also comply with the following:

**1) Animal enclosures for large animals.**

a) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.

b) No portion of a stable, barn or other large animal enclosure shall be located closer than:

i) 40 feet to any dwelling located on another lot.

ii) 70 feet to any street centerline and 20 feet to any street right-of-way.

iii) 15 feet from the rear property line.

iv) 10 feet from the side property lines.

v) 10 feet from the property lines of an interior lot.

**2) Limitation on dogs.** No more than three dogs shall be allowed on a lot unless a Major Conditional Use Permit for a commercial kennel, or a Minor Conditional Use Permit for a non-commercial kennel, is first obtained in compliance with Section 35-172 (Conditional Use Permits).

**3) Small non-hoofed animals.** Small non-hoofed animals (e.g., bees, chickens, birds, ducks, rabbits) may be allowed provided that:

a) The keeping of such animals is not 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.

b) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.

c) No rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.

**4) Odor and vector control.** Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.

**5) Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.

**6) Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of

animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

- 7) **Drainage.** Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.
  - d. Wildlife species rehabilitation.** The rehabilitation of wildlife species that commonly occur within Santa Barbara County shall be in compliance with Section 35-144H (Wildlife Species Rehabilitation).
7. **Multiple animal types.** More than one species of animals allowed in compliance with Subsection B.4 may be kept on a single lot provided that:
- a. The requirements of Subsections B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) and B.5 (Use of property for animals different in species or greater in number) and all other applicable provisions of this Subsection BA (Animal keeping) are satisfied for each species.
  - b. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping), the total number of animals shall not exceed the density requirement (e.g., in the RR zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of lot area. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)



<b>Table 18-3</b>		E	Allowed use, no permit required (Exempt) (1)	
<b>Animal Keeping in the Gaviota Coast Plan Area</b>		P	Permitted use, Coastal Permit required	
		PP	Principal Permitted Use, Coastal Permit required	
		MCUP	Minor Conditional Use Permit	
		CUP	Major Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
<b>Type of Animal or Animal Keeping Activity</b>	<b>Permit Requirement by Zone</b>	<b>Maximum Number of Animals per Lot (2)</b>		
<b>Additional Regulations</b>				
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches, not including a commercial livestock feed or sales yard	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	P (3)	None	35-450.B.6.b
	RR	P (3)	1 animal per 20,000 sf of lot area	35-450.B.6.c
	TC	—		
Commercial boarding and raising of animals for members of the public	AG-II	P	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	MCUP	None	
	TC	—		
Dairy	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	—		
	TC	—		
Dogs (3)(4)	AG-II	PE	3	
	M-CD	—		
	REC	—		
	RES	P	3	35-450.B.6.b
	RR	P	3	35-450.B.6.c
	TC	—		
Goats and sheep (3)	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	P	None	35-450.B.6.b
	RR	P	3 animals per 20,000 sf of lot area	35-450.B.6.c
	TC	—		
Hogs and swine (3)	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	MCUP	None	35-450.B.6.b
	RR	P	3 animals per 20,000 sf of lot area; maximum 3 per lot	35-450.B.6.c
	TC	—		
Hog ranch (3)	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	—		
	TC	—		

Notes:

- (1) Exempt only when in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) and Section 35-430.D (Exempt activities and structures).
- (2) See Section 35-450.B.7 (Multiple animal types).
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) Does not include dogs that qualify as household pets in compliance with Section 35-450.B.6.a.

<b>Table 18-3 - Continued</b>			
<b>Animal Keeping in the Gaviota Coast Plan Area</b>		E	Allowed use, no permit required (Exempt) (1)
		P	Permitted use, Coastal Permit required
		PP	Principal Permitted Use, Coastal Permit required
		MCUP	Minor Conditional Use Permit
		CUP	Major 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	AG-II	E	35-450.B.6.a)
	M-CD	E	
	REC	E	
	RES	E	
	RR	E	
	TC	—	
Kennel, commercial	AG-II	P	None
	M-CD	—	
	REC	—	
	RES	—	
	RR	CUP	None
	TC	—	
Kennel, non commercial (3)	AG-II	P	None
	M-CD	—	
	REC	—	
	RES	P	None
	RR	MCUP	None
	TC	—	
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	AG-II	PP	None
	M-CD	—	
	REC	—	
	RES	P	None
	RR	P	None
	TC	—	
Wildlife species rehabilitation	AG-II	P	None
	M-CD	P	
	REC	P	
	RES	P	
	RR	P	
	TC	P	

Notes:

- (1) Exempt only when in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) and Section 35-430.D (Exempt activities and structures).
- (2) See Section 35-450.B.7 (Multiple animal types).
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

**C. Rural recreation.** The following standards shall apply to rural recreation land uses allowed in compliance with Section 35-460.J (Rural recreation) in addition to any other applicable standards contained in this Article.

**1. Allowed rural recreation uses by zone.**

- a. Within the AG-II, REC and RES zone the following rural recreational uses may allowed in compliance with Section 35-430.E (Allowable land uses and permit requirements):
  - 1) **AG-II.** Those uses allowed in compliance with Section 35-460.J (Rural recreation).
  - 2) **REC.** Outdoor public and/or private recreational uses, e.g., campgrounds, parks, trails, recreational vehicle accommodations, which may include structures and facilities that are required to support the allowed recreational uses, including:
    - a) Boat launching facilities.
    - b) Corrals and stables.

- c) Lifeguard and ranger stations.
- d) Limited concession facilities.
- e) Parking areas.

- 3) **RES.** Low intensity recreational uses that include the following provided that recreational vehicle accommodations are not provided:
  - a) Campgrounds and trails with minimum facilities including summer camps.
  - b) Dude ranches.
  - c) Group retreat facilities.
  - d) Hunting clubs.

**2. Recreational facility development.** Development of recreational facilities shall:

- a. Conform with the Gaviota Coast Plan area visual and natural resources policies.
- b. Minimize grading, removal of vegetation, and paving.
- c. Be compatible with the rural character of the area.
- d. Preserve existing natural ~~features~~ landforms in an undisturbed state to the maximum extent feasible.
- e. Incorporate landscaping that consists of drought-tolerant species.

**3. Setback and location requirements.**

- a. Campgrounds and ancillary facilities located south of Highway 101 shall be sited as far as feasible from the beach in order to reserve near-shore areas for day use, except for trails and public accessways that facilitate coastal public access to the beach.
- b. ~~Where feasible, n~~New recreational facility development, particularly campgrounds and parking lots (except trailhead parking lots), shall be ~~located north of Highway 101~~ sited in appropriate locations to facilitate coastal public access and recreation, in consideration of site constraints.

**4. Protection of vegetation.** The vegetation in the small canyons at the mouths of Cañada San Onofre and Cañada del Molino shall not be disturbed by recreational development or use.

**D. School development in the AG-II zone.**

- 1. Schools allowed by a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) in the AG-II zone are limited to:
  - a. The expansion of lawful, existing facilities, including the development of new facilities located on a lot that is both adjacent to and under the same ownership as the lot on which the lawful, existing facility is located.
  - b. The re-establishment of a school in facilities that were formerly occupied by the school. This may include the development of new facilities on a lot that is both adjacent to the lot on which the school facility is located and is owned by the school.
    - 1) Specific to the Vista del Mar School District, this allows the development of new school facilities on property known as Assessor's Parcel Nos. 081-130-058 and 081-130-059 that are owned by the school district prior to November 18, 2010.
- 2. Lawful, existing school facilities are considered to be conforming development and are not subject to the restrictions of Division 10 (Nonconforming Structures and Uses).
- 3. Within this Subsection D (School development in the AG-II zone), adjacent includes lots that are separated by a street that is not a freeway or highway or the frontage road of a freeway or highway.

**Section 35-460.**

**Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone.**

- A. Purpose and intent.** This Section determines the type of planning permit required for the specific land uses listed below, and provides development standards and structure size limitations related to the intensity of the land use. The intent is to provide for flexibility in the development of uses that are individually and cumulatively accessory to, supportive of, and subordinate to the primary agricultural use of the property while promoting orderly development of these uses within the Gaviota Coast Plan area, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, and prevent impacts to natural, cultural, and visual resources. The cumulative uses on any premises shall be incidental and subordinate to the agriculture activity located on the premises.
- B. Applicability.** The requirements of this Section 35-460 (Permit Requirements and Development Standards for Specific Uses in the AG-II Zone) apply to applications for development of land uses that are ~~that are~~ proposed to be located on property zoned Agricultural II (AG-II) within the Gaviota Coast Plan area.
- C. Agricultural employee and farmworker housing.** Additional dwellings providing housing for agricultural employees may be allowed in compliance with Section 35-144R (Agricultural Employee Dwellings) and Section 35-144P (Farmworker Housing).
- D. Agricultural processing facilities.** The processing of agricultural and horticultural products as provided below may be allowed in compliance with the following permit requirements and development standards.
- 1. Cleaning, freezing, packing, storage, and sorting facilities.** Facilities for the cleaning, freezing, packing storage, and sorting of agricultural and horticultural products (other than animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the facility complies the following development standards:
    - a. The facility shall be accessory to and supportive of ~~other~~ the primary agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
    - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale.
    - c. The products are determined by the Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands.
    - d. The facility also processes products grown on the premises or on other local agricultural lands.
    - e. The operation will not have a significant adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 2. Product preparation.** Agricultural and horticultural product preparation includes drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain.
    - a. A Product preparation operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards.

- 1) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.
  - 2) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
  - 3) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any preparation allowed in compliance with this Subsection D.2 (Product preparation).
  - 4) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the gross area of the premises, or one acre, whichever is less.
  - 5) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
  - 6) The operation will not have a significantly compromise adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 7) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.
- b. A Product preparation operation that may not be allowed in compliance with Subsections D.2.a, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
  - 2) The operation will not include a new at-grade crossing of Highway 101.

### **3. Small-scale processing (beyond the raw state).**

- a. A Small scale processing operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:
- 1) The activity is incidental to agricultural operations located on the same lot.
  - 2) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.
  - 3) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
  - 4) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any processing allowed in compliance with this Subsection D.3 (Processing (beyond the raw state)).

- 5) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the gross lot area, or one acre, whichever is less.
  - 6) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
  - 7) The operation will not have a significantly compromise-adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 8) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.
- b. A Small scale processing operation that may not be allowed in compliance with Subsections D.3.a, above, may be allowed as non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
  - 2) The operation does not include a new at-grade access to Highway 101.

**4. Tree nut hulling.**

- a. A Tree nut hulling operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:
- 1) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.
  - 2) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
  - 3) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any processing allowed in compliance with this Subsection D.4 (Tree nut hulling).
  - 4) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is less.
  - 5) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
  - 6) The operation will not have a significantly compromise-adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 7) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.
- b. A Tree nut hulling operation that may not be allowed in compliance with Subsections D.4.a, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit

approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
- 2) The operation does not include a new at-grade access to Highway 101.

**E. Agricultural product sales.** Agricultural sales allowed in compliance with Section 35-131 (Agricultural Sales) are not allowed on AG-II zoned property located within the Gaviota Coast Plan area and instead the following commercial facilities for the retail sale of commodities may be allowed subject to compliance with the applicable permit requirements and development standards

**1. Farmstands.**

a. A Farmstand may be exempt from the requirement to obtain a Coastal Development Permit when in compliance with all of the following:

- 1) The sale shall be conducted within an existing agricultural building or from a separate stand that is less than or equal to 600 square feet of gross floor area.
- 2) The structure is located no closer than 20 feet to the right-of-way line of any street.
- 3) The development will:
  - a) Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or on/within 50 feet of a coastal bluff.
  - b) 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).
  - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.
  - d) The operation is incidental to agricultural operations located on the same premises and complies with the development standards of Section 35-460.E.1.b below.

b. A Farmstand operation that does not meet the standards of Section 35-460.E.1.a, above, may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation is incidental to agricultural operations located on the same premises and complies with the following development standards:

**1) Access.**

- a) Ingress and egress to the agricultural sales area is clearly visible, and turning movements into the premises from adjacent road rights-of-way do not create congestion or cause unnecessary slowing at access points.
- b) Direct access to farmstand sales area from an at-grade access with Highway 101 is prohibited.

2) **Allowed retail sales.** Retail sales of the following products directly to members of the public are allowed provided the applicable development standards are complied with.

- a) **Agricultural products.** The sale of agricultural products, including facilities where the public has access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms) provided:
    - i) The operation is operated by a single proprietor.
    - ii) The agricultural products offered for sale are either grown on the premises, or on other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or on other property within a 25-mile radius of the lot on which the sales occur.
  - b) **Artisanal crafts.** The sale of artisanal crafts provided:
    - i) The products are created within Santa Barbara County.
    - ii) The volume of such sales is subordinate to the total amount of sales.
    - iii) The area devoted to the sale of artisanal crafts does not exceed 20 percent of total area of the farmstand. Inventory storage may occur in a separate area that is not included within the 20 percent of the total area provided the area is neither visible nor accessible to the public.
  - c) **Ornamental plants, shrubs and trees.** The sale of ornamental plants, shrubs and trees that are grown in containers, including products that are imported from off- site, provided the area to which the public has access is limited to 10,000 square feet.
    - i) This may also include the incidental sale of garden and landscape materials and equipment provided the area devoted to such sales is limited to a single contiguous area that does not exceed 300 square feet in area. Inventory storage may occur in a separate area that is not included with the 300 square feet provided the area is neither visible nor accessible to the public.
  - d) **Nonpotentially hazardous prepackaged food products.** The sale of nonpotentially hazardous prepackaged food products, including bottled water and soft drinks, produced off-site provided:
    - i) The area devoted to the sale and inventory storage of such products is restricted to a single contiguous area that does not exceed 50 square feet in area.
    - ii) All products comply with the requirements of Section 47050 of the State Food and Agricultural Code and Section 114375 of the State Health and Safety Code.
  - e) **Vegetative holiday sales products.** Sales of vegetative holiday sales products (e.g., pumpkins, Christmas trees) grown off-site provided the area to which the public has access is limited to 10,000 square feet.
- 3) **Lighting.** Exterior lighting fixtures associated with an agricultural sales area shall be:
- a) Designed to be low glare and low intensity.
  - b) Shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership.
  - c) Installed and operated in a manner that will not cast light, either reflected or directly, in an upward direction.



d) In compliance with Section 35-440.B.

**4) Parking.**

- a) Except as provided in Subsection E.1.a.4)b), below:
  - i) Parking areas are constructed with an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface including pervious materials.
  - ii) The use of any non-permeable surface materials (e.g., as asphalt, concrete, or chip seal) is restricted to the minimum necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.
- b) Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
- c) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
- d) Parking is not located within any adjacent road rights-of-way or trail easements.

**5) Structures.**

- a) If a structure is proposed as part of the operation, then the operation shall be conducted either within:
  - i) An existing agricultural structure, or
  - iii) A separate stand that is less than or equal to 800 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
- b) A structure that is not used as part of the farmstand operation for a period of 12 months shall be removed within the three month period immediately following the 12 months of non-use unless the use of the structure is accessory to another allowed use of the lot on which the structure is located.
- c) A Development Plan approved by the Director in compliance with Section 35-174 (Development Plans) is required for the sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.

**F. Aquaculture.**

- 1. Purpose and applicability.** This Section provides standards for aquaculture facilities located in the Gaviota Coast Plan area.
- 2. Development and operating standards.**
  - a. Aquaculture facilities shall be sited and designed to be compatible with the natural surroundings.

- b. Structures shall be well screened and depressed below grade when feasible to minimize impacts on coastal visual resources.
- c. Intake and outfall lines for ocean water shall be located underground unless determined by the decision-maker to be infeasible for a particular operation.
- d. Adequate provisions for lateral beach access shall be required if above ground channels or pipes are necessary.

**G. Composting.**

1. A composting operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards.
  - a. All of the feedstock for the operation originates from within Santa Barbara County.
  - b. No new structure(s) that would require a planning permit or new water or wastewater permit issued by the County are proposed.
  - c. There is no more than 500 cubic yards of compost on-site at any one time.
  - d. No more than 1,000 cubic yards of compost sold or given away annually.
  - e. The feedstock material may also include up to 10 percent food matter.
  - f. Compost piles do not exceed 12 feet in height.
  - g. The operator of the operation shall maintain and follow an odor abatement plan in compliance with Santa Barbara County Air Pollution Control District recommendations.
  - h. The operation is in compliance Section 35-102G. (CVC - Critical Viewshed Corridor Overlay District), if applicable.
  - i. The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.
    - 1) The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.
    - 2) The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.
2. A composting operation that may not be allowed in compliance with Subsection G.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided:
  - a. **Development standards.** The operation complies with the following development standards:
    - 1) **Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.

- 2) **Structure for sale of composting product.** If a structure is required for the sale of a product, the sale is conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
  - 3) **Parking.** A minimum of two permanently maintained parking spaces are:
    - a) Located on the lot where the composting operation occurs.
    - b) Not located within 20 feet of the right-of-way line of any street.
  - 3) **Permit requirements.** All other permits required by County Departments for a facility, except those permits required by the Division of Building and Safety, shall be obtained before issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) or issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable.
  - 4) **Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the Public Health Department, Environmental Health Services Division, on a quarterly basis.
- b. **Additional findings.** Prior to the approval of a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) the following additional findings are first made:
- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
  - 2) The operation will not include a new at-grade crossing of Highway 101.

#### H. Firewood processing and sales.

1. A Firewood processing and sales operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards.
  - a. Firewood from offsite sources shall be limited to no more than 49 percent of the total volume of firewood processed on the facility premises.
  - b. The premises where the operation occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Subsection H (Firewood processing and sales).
  - c. The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
  - d. Firewood processing and sales operations shall be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection H.1.b above.
  - e. The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
  - f. The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.

- g. The operation will not ~~have significantly compromise~~ adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
2. A firewood processing and sales operation that may not be allowed in compliance with Subsection H.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- a. The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
  - b. The operation will not include a new at-grade crossing of Highway 101.
  - c. The operation will be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection H.1.b above.

**I. Lumber processing and milling (small scale).**

1. A lumber processing and milling operation may be allowed as a non-Principal Permitted Use in compliance with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- a. All of the material used in the operation originates within Santa Barbara County.
  - b. Lumber from offsite sources shall be limited to no more than 49 percent of the total volume of lumber processed on the facility premises.
  - d. The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Subsection I (Lumber processing and milling).
  - e. The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
  - f. The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
  - g. The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
  - h. Lumber processing and milling operations shall be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection I.1.c above.
2. A lumber processing and milling operation that may not be allowed in compliance with Subsection I.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- a. The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).

- b. The operation will not include a new at-grade crossing of Highway 101.
- c. The operation will be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection I.1.c above.

**J. Rural recreation.** The following allowable uses, permit requirement and development standards shall apply to projects located in the Gaviota Coast Plan area on property zoned AG-II. See Subsection 35-450.C (Rural Recreational) for additional development standards that apply to the following uses.

**1. Campgrounds.**

- a. A Campground operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
  - 1) The project does not include any of the following:
    - a) New grading or structures that would require a grading or planning permit. This does not apply to grading and structures that are required in order to comply with the requirements of the Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.
    - b) Electrical hookups for vehicles including recreational vehicles and trailers.
    - c) New impervious surfaces.
  - 2) The project is not located on property zoned with the Critical Viewshed Corridor Overlay unless the Director determines that the location of the campground is in character with the rural setting and will not result in significant visual impacts ~~not visible~~ from Highway 101 due to natural intervening topography.
  - 3) There are no more than 10 campsites.
    - a) No more than two vehicles shall be parked at each campsite.
    - b) A maximum of one-half of the total number of campsites may be used at any one time for the parking of not more than two recreational vehicles or trailers per site. Recreational vehicles and trailers shall not exceed 25 feet in length.
  - 4) Stays are limited to a maximum of 14 days per person per year.
  - 5) The use will not interfere with agricultural production on or adjacent to the lot on which it is located and the use will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 6) The use will not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands. Prior to the approval of a Coastal Development Permit approved in compliance with Section 35-169 (Coastal Development Permits), the plans for the Campground operation shall reviewed and approved by:
    - a) The Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.

- b) The County Fire Department in regards to fire safety.
- b. A Campground operation that may not be allowed in compliance with Subsection J.1.a, above, may be allowed as a non-Principal Permitted Use with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
  - 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or interfere with agricultural production on or adjacent to the subject lot(s).
  - 2) The operation will not include a new at-grade crossing of Highway 101.
  - 3) The operation does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.

## 2. Farmstay.

- a. A Farmstay operation may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:
  - 1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a ~~lot~~premises.
  - 2) The operation is housed in a single permitted or nonconforming dwelling existing as of [*the effective date of this ordinance*].
  - 3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the ~~lot~~premises. Lodging and meals are incidental and not the primary function of the Farmstay operation.
    - a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.
    - b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.
  - 4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.
    - a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.
  - 5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:
    - a) Does not constitute the principal land use of the premises, ~~and~~
    - b) Is beneficial and inherently related to the farm or ranch operation, and

- c) Is in character with the rural setting.
  - 6) The operation will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).
  - 7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.
- b. A Farmstay operation that may not be allowed in compliance with Subsection J.2.a, above, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on or adjacent to the subject lot.
  - 2) The operation will not include a new at-grade crossing of Highway 101.

### 3. Fishing operation.

- a. A fishing operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- 1) The operation is limited to 20 participants daily.
  - 2) The floor area (gross) of any new structure is less than 600 square feet.
  - 3) The operation will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
  - 4) The fishing will occur within an existing permitted or legal nonconforming artificial pond or reservoir.
- b. A fishing operation that may not be allowed in compliance with Subsections J.3.a, above, may be allowed as a non-Principal Permitted Use with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, and the agricultural lands on or adjacent to the subject lot(s).
  - 2) The operation will not include a new at-grade crossing of Highway 101.

### 4. Horseback riding.

- a. A horseback riding operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- 1) The operation is limited to 20 participants daily.

- 2) The floor area (gross) of any new structure associated with the operation is less than 1,200 square feet.
- 3) The operation will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).

b. A horseback riding operation that may not be allowed in compliance with Subsections J.4.a.–~~J.4.b.~~, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, and the agricultural lands on or adjacent to the subject lot(s).
- 2) The operation will not include a new at-grade crossing of Highway 101.

5. **Other-low intensity recreational development.** In addition to recreation uses allowed in compliance with Subsections J.1 through J.4, above, low-intensity recreational development such as ~~hiking trails~~, public riding stables, recreational camps, and retreats may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the operation complies with the following development standards:

- a. The activity is in character with the rural setting.
- b. The activity does not interfere with agricultural production on or adjacent to the lot on which it is located.
- c. The activity does not include commercial facilities open to the general public who are not using the recreational facility.
- d. The activity does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
- e. The activity will not result in significant adverse impacts to visual or natural resources.

L. **Wineries.** Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises that comply with all of the following standards may be allowed as a non-Principal Permitted Use subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

- a. The winery is located on premises used for vineyard purposes.
- b. The winery is operated in connection with the processing of wine grapes grown on the premises.
- c. Retail sales of wine grape products shall be limited to those processed on the premises.

#### **Section 35-470 Gaviota Coast Plan Area Land Use Incentive Program.**

A. **Purpose and intent.** The purpose of the Gaviota Coast Plan area land use incentive program is to allow landowners within the Gaviota Coast Plan area on property zoned AG-II to develop additional dwelling units (i.e., incentive dwelling units) in exchange for taking actions that provide a demonstrated public benefit such as the provision of public trails. The intent is to implement the policies and development standards of Gaviota Coast Plan that seek to, through voluntary landowner action, provide a greater level of protection and



enhancement of natural resources, support agricultural viability, and increase public access, throughout the Plan area while preserving the existing rural character of the Gaviota Coast.

- B. Applicability.** The provisions of this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program) only apply to property zoned AG-II and located within the Gaviota Coast Plan area.
- C. Allowable density.** Accessory residential units shall not count toward the allowable density for purposes of determining consistency with the Coastal Land Use Plan and this Article.
- D. Actions and eligible incentives.** Table 18-4 (Actions and Eligible Incentives), below, describes the voluntary actions a landowner may take and the benefits that may be derived from taking those actions, i.e., the issuance of a permit(s) for an incentive dwelling unit.

**Table 18-4 - Actions and Eligible Incentives**

Category	Land Owner Action	Eligible Incentive
1	<del>Dedicate</del> <u>Grant</u> trail easement to County for the Coastal Trail primary route alignment shown on the Gaviota Coast Plan Parks, Recreation and Trails Map	1 attached or detached incentive dwelling unit & 1 attached incentive dwelling unit
2	<del>Dedicate</del> <u>Grant</u> trail easement to County for trails shown on the Gaviota Coast Plan Parks, Recreation and Trails Map other than the Coastal Trail primary route alignment	1 attached or detached incentive dwelling unit

1. ~~Dedication~~ Grant of trail easements shall comply with the following:

a. The easement shall be for the entire length of the planned trail that is located on the premises on which the accessory residential unit is proposed to be located.

b. ~~An irrevocable offer of dedication shall be recorded by the landowner p~~Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) for an incentive dwelling unit that may be allowed based on the dedication of a trail easement the landowner shall execute and record a document granting to the County of Santa Barbara, on behalf of the people of the State of California, the trail easement for public access that is 25 feet in width (unless a different width is warranted due to site constraints) along the length of the trail alignment on the landowner's premises.

1) ~~Said offer~~The recorded document shall include, at a minimum, a description of the purpose of the easement and a legal description and a map drawn to scale of both the landowner's entire premises and of the proposed easement area. The recorded document shall provide that the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement, and that any development or obstruction in the trail easement area is prohibited (except for trail construction-related development that is authorized by the County). The grant of easement shall (a) be recorded free of prior liens and any other encumbrances which the County or Executive Director of the California Coastal Commission determines may affect the interest being conveyed, and (b) run with the land in favor of the People of the State of California, binding all successors and assignees.

2) ~~Said offer~~The form and content of the easement document shall be subject to review and approval by the Department, and the County Counsel, and the Executive Director of the California Coastal Commission. A copy of the permit conditions, findings of approval, and drafts of the legal documents proposed to implement the grant of trail easement condition shall be forwarded to the Coastal Commission for review and approval prior to the issuance of the permit consistent with 14 California Code of Regulations Section 13574.

2. The dedicated trail shall not be required to be constructed and opened to public use until the County is ready to construct, operate, and maintain the trail for public use.

- E. Requirements and development standards for incentive dwelling units.** All incentive dwelling units allowed in compliance with this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program) shall comply with the following requirements and development standards. Where there are conflicts between the standards of this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4. Zoning Districts), the provisions of this Section shall prevail unless indicated otherwise. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.
1. **Accessory to the principal dwelling.** The lot shall contain an existing one-family dwelling at the time an application for an incentive dwelling unit is submitted, or the application for the incentive dwelling unit shall be submitted in conjunction with the application for the principal dwelling. The incentive dwelling unit shall not be occupied before occupation of the principal dwelling.
  2. **Amenities.** An incentive dwelling unit shall have a separate entrance and shall include permanent provisions for cooking, eating, living, sanitation and sleeping.
  3. **Application requirements.** A permit application for an incentive dwelling unit shall include the following information in addition to that information required within Section 35-57A (Application Preparation and Filing):
    - a. A floor plan drawn to scale of the principal dwelling and the incentive dwelling unit(s).
    - b. Documentation verifying the principal dwelling is owner-occupied.
    - c. The proposed method of water supply and sewage disposal for the incentive dwelling unit(s).
  4. **Conversion of existing structures.** An existing, legal ~~agricultural employee dwelling~~ or guesthouse that conforms with Section 35-120 (Guesthouses, Artist Studios, or Pool House/Cabaña) and was constructed prior to *[effective date of this ordinance]* may be converted to an incentive dwelling unit.
    - a. ~~An existing, legal agricultural employee dwelling that is converted to an incentive dwelling unit may be replaced with a new agricultural employee dwelling in compliance with Section 35-144R (Agricultural Employee Dwellings).~~
    - b. —An existing, legal guest house that is converted to an incentive dwelling unit may be replaced with a new guest house in compliance with Section 35-120 (Guesthouses, Artist Studios, or Pool House/Cabaña) provided that there is no more than one guesthouse located on the premises.
    - eb. If the existing, legal ~~agricultural employee dwelling~~ or guest house that is proposed to be converted to an incentive dwelling unit is subject to a recorded Notice to Property Owner, then following the effective date of the required planning permit and prior to the use of the ~~agricultural employee dwelling~~ or guest house as an incentive dwelling unit the Department shall prepare and the property owner shall record a Notice to Property Owner that documents specific conditions and/or restrictions, if any, that apply to use of the structure as an incentive dwelling unit and supersedes the specific conditions and/or restrictions included in the previous Notice to Property Owner.
    - d. —A detached incentive dwelling unit that results from the conversion of an existing, legal ~~agricultural employee dwelling~~ may exceed the applicable maximum gross floor area limit provided no building additions or alterations shall be allowed that results in an increase in the gross floor area in excess of that which existed prior to *[effective date of this ordinance]*.
  5. **Height limit.**
    - a. ~~**Attached incentive dwelling units.** An attached incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the~~

~~copings of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the incentive dwelling unit. An exception to this height limit may be granted when the portion of a proposed incentive dwelling unit that would exceed this height limit is wholly contained within an existing structure.~~

An incentive dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the incentive dwelling unit that would exceed these height limits is located within:

- 1) The existing space of a single-family dwelling or an accessory building.
- 2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.

**b. ~~Detached incentive dwelling units.~~** ~~A detached incentive dwelling unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached incentive dwelling unit connected to a detached accessory structure may be permitted provided:~~

~~1) The height of the incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the incentive dwelling unit, and~~

~~2) The height of the entire structure does not exceed 25 feet.~~

Attached incentive dwelling units. Except as allowed in compliance with Subsection 5.a, above, the height of an attached incentive dwelling unit shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

**c. Detached incentive dwelling units.**

1) **Connected to a detached accessory structure.**

a) **Located above or below another floor.** The height of a structure that contains an incentive dwelling unit in addition to another accessory use, where the incentive dwelling unit is located either above or below the other accessory use, shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

b) **Not located above or below another floor.** Except as allowed in compliance with Subsection 5.a, above, the height of an incentive dwelling unit that is not located above or below another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

2) **Not connected to a detached accessory structure.** The height of an incentive dwelling unit that is not connected to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35-127 (Height).

**ed. Locations within the CVC Overlay.** ~~If the~~ Notwithstanding the above, if a structure that includes an incentive dwelling unit is proposed to be located on a lot zoned with the CVC (Critical Viewshed Corridor) overlay district and located south of Highway 101, then the height of the structure that includes the incentive dwelling unit shall not exceed 15 feet as measured in compliance with Section 35-127 (Height)~~Subsections E.5.a. and b., above, unless the portion of the incentive dwelling unit that would exceed this height limit is located within the existing space of an existing, legal structure~~ an increase in height that complies with Subsections E.5.a. and b., above, is approved by the Board of Architectural Review in compliance with Section 35-102G (CVC Critical Viewshed Overlay District).

6. **Location of detached incentive dwelling unit.** A detached incentive dwelling unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone.

Additionally, except for the conversion of ~~agricultural employee dwellings and~~ guest houses allowed in compliance with Subsection E.4 (Conversion of existing structures), above, that existed prior to [*effective date of this ordinance*], detached incentive dwelling units shall be clustered with the principal dwelling unit.

- a. For the purposes of this Subsection E.6., clustered means the principal dwelling unit and the detached incentive dwelling unit, including all structures accessory thereto, shall be located within a single continuous building envelope.
- b. The clustered building envelope shall ~~minimize~~ avoid "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.

**7. Maximum and minimum gross floor area requirements.**

**a. Maximum gross floor area.**

- 1) **Attached incentive dwelling units.** The maximum gross floor area of attached incentive dwelling units shall not exceed 1,200 square feet.
- 2) **Detached incentive dwelling units.** ~~Unless allowed in compliance with Subsection I.1.e.(4)(d), above,~~ The maximum gross floor area of a detached incentive dwelling unit shall not exceed the standards for the specified gross lot area shown in Table 18-5 (Maximum Gross Floor Area Gaviota Coast Plan Area) below.

**Table 18-5 - Maximum Gross Floor Area Gaviota Coast Plan Area**

Lot Area (gross)	Maximum Floor Area (gross)
Less than 40 acres	1,200 square feet
40 acres to less than 100 acres	1,600 square feet
100 acres and above	2,000 square feet

- b. **Minimum gross floor area.** The minimum gross floor area of an incentive dwelling unit shall be 300 square feet.
- c. **Measurement of gross floor area.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the incentive dwelling unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the incentive dwelling unit.

**8. Maximum number of incentive dwelling units.**

- a. A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 1 in Table 18-4 (Actions and Eligible Incentives), above.
- b. A maximum of one attached incentive dwelling unit or one detached incentive dwelling unit may be allowed on a premises that qualifies under Category 2 in Table 18-4 (Actions and Eligible Incentives), above.
- c. In no case shall more than two incentive dwelling units be approved on a premises that has both coastal trail primary and secondary routes depicted on the PRT maps.

**9. Parking requirements.** In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the incentive dwelling unit is located on for each sleeping room in the incentive dwelling unit. The additional parking shall be provided as specified

in the ~~base zone~~ Section 35-460 (Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone) and in Division 96 (Parking Regulations).

**10. Notification of occupants.** The owner shall provide notification to the occupants of an incentive dwelling unit that the residence is located on and adjacent to property zoned and used for agriculture and that inconvenience or discomfort from properly conducted agricultural operations, including noise, dust, odors, and chemicals, shall not be deemed a nuisance.

**11. Private and public services.**

- a. Where public water service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
  - 1) If the principal dwelling is currently served by a public water district or mutual water company, not subject to moratorium for new connections, then an incentive dwelling unit shall also be served by the appropriate public water district or mutual water company.
  - 2) If the principal dwelling is currently served by a water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and if the property is not located in an overdrafted water basin, then an incentive dwelling unit may be served by ~~a~~the same private water system subject to review and approval by the Public Health Department or State as applicable.
- b. Where public sewer service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
  - 1) For the purposes of this Subsection E.11.a, public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)
- c. An incentive dwelling unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

**12. Residency of lot owner.**

- a. The owner of the lot (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) shall reside on said lot, in either the principal dwelling or in an incentive dwelling unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Coastal Development Permit in compliance Section 35-169 (Coastal Development Permits), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.
- b. Upon transfer of ownership of the property, the new owner shall reside on the property or the use of a structure or portion thereof as an incentive dwelling unit shall be discontinued and the structure shall be:
  1. If attached to the principal dwelling, converted into a portion of the principal dwelling; or,
  2. If it is a detached structure, removed or converted into a legal accessory structure.

**13. Sale and subdivision.**

- a. An incentive dwelling unit shall not be financed, sold or transferred separately from the principal dwelling.
- b. Upon approval of an incentive dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:

1. The Coastal Land Use Plan including the Gaviota Coast Plan designation.
2. This Article including Division 4 (Zoning Districts).
3. Subsection E.11.c., above, if an incentive dwelling unit is proposed to be served by an onsite wastewater treatment system following the subdivision.

**F. Additional findings.** In addition to the findings required in compliance with Section 35-169 (Coastal Development Permits), before the approval of a permit for a detached incentive dwelling unit the Director shall make all of the following findings:

1. The incentive dwelling unit is incidental and subordinate to the primary agricultural use of the lot.
2. The incentive dwelling unit ~~does not adversely affect the onsite or adjacent agricultural operations~~ has been sited and designed to avoid prime agricultural soils and maintain the long-term productivity of the site's agricultural resources and operation.
3. The incentive dwelling unit is compatible with and does not substantially alter the rural, agricultural character of the area.

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#### **APPENDIX I: BIOLOGICAL STUDY REQUIREMENTS WITHIN THE GAVIOTA COAST PLAN AREA**

Site-specific biological studies must include, at a minimum, the following elements:

1. Introduction. The introduction shall describe the proposed project, include historical and current aerial photographs and maps that provide both a regional context and local detail, and provide photographic documentation of the existing condition of the proposed development site. The introduction must also contain a discussion of the physical characteristics of the proposed development site, including, topography (e.g., slope orientation), soil types, habitat and/or wildlife migration corridors, and microclimate.
2. List of Potential Sensitive Species/Habitats. A list of sensitive species and habitats that could occur on the site must be included as an appendix to the report. This list can be generated from the California Natural Diversity Database and other reliable sources. Sensitive species include rare, threatened, or endangered species that are designated or are candidates for listing under State or Federal Law, California Native Plant Society "1B" or "2" listed species, those species identified as State "fully protected species" or "species of special concern," and any other species and habitats for which there is compelling evidence of rarity or are especially valuable because of their special nature or role in an ecosystem. The consulting biologist must then examine the site and determine whether the various species are present at the time of the survey or whether they are likely to be present at other times based on a habitat analysis and professional opinion.
3. Results of Field Surveys.
  - a. Biological surveys must consist of field survey methods appropriate to the species or habitat being surveyed. Protocol-level surveys (consult California Department of Fish and Wildlife (DFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), etc.) are required for those sensitive species likely to occur on the proposed development site.
  - b. The biological report must contain a discussion of all field methods actually employed, including the methods for formal protocol surveys. The detailed survey protocols for particular sensitive habitats or species may be placed in an appendix, but simply referencing another document is not acceptable.

- c. The consulting biologist must identify and map within polygons all the vegetation community types present on the proposed development site. The location of observed sensitive plant or animal species shall also be shown on the map.
- d. When chaparral and/or coastal sage scrub habitat is identified, provide information about patch size and connectivity, presence of invasive/non-native species (the area covered, number of, and/or, percent cover of invasive/non-native plant species), identification of area and type(s) of disturbance, and the proximity to development.
- e. Where trees suitable for nesting or roosting or significant foraging habitat are present, the consulting biologist shall search for evidence of sensitive bird species and raptor use. If there is independent evidence of significant sensitive bird species or raptor use on or near the proposed development site, formal protocol survey(s) must be conducted.
- f. Potential wetland areas, including one parameter wetlands, must be identified and mapped as part of the biological assessment. These areas must be subjected to a formal, technical wetland delineation following the methods in the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement.
- g. The general biological context of the project site and a description of the actual wildlife use at the time of the assessment and an estimate of probable additional wildlife use. This description will result from the consulting biologist's visual and auditory search for birds and mammals or their sign and a search of leaf litter and under rocks for amphibians or reptiles.
- h. If oak trees are present within 25 feet of the proposed development site, an oak tree report and associated survey map shall be prepared by a qualified arborist or resource specialist that identifies and describes all existing oak trees within 25 feet of the proposed development site. The oak tree report must identify the existing health of each oak tree, potential impacts of development on each oak tree, including whether each oak tree is proposed to be removed, to have a substantial encroachment into its protected zone, or a minor encroachment. The report shall contain recommendations for avoiding, minimizing, and/or mitigating oak tree impacts. Oak tree canopy delineations must be conducted by a licensed surveyor, a qualified arborist, or other resource specialist with the expertise to accurately depict the dripline and the protected zone (six feet from the dripline or 15 feet from the trunk(s), whichever is larger) for each oak tree on the survey map. The oak tree canopy delineations must be current (conducted within one year prior to the submittal of the permit application), though project impacts will be addressed based on on-the-ground conditions at the time the application is considered. Include a site plan that shows the development in relation to all oak tree driplines/protected zones that are within 25 feet of any structure or other development and show setback(s) from the proposed development to the protected zones.
- i. In addition to an oak tree report, if sycamore, walnut, bay, or any other species of native trees are present within 25 feet of the proposed development site, a native tree report and associated survey map, prepared by a qualified arborist or resource specialist that identifies and describes all existing native trees within 25 feet of the proposed development site, must be prepared. The report must identify the existing health of each native tree, potential impacts of development on each native tree, and whether each native tree is proposed to be removed, to have substantial encroachment into its protected zone, or minor encroachment. The report shall contain recommendations for avoiding, minimizing, and/or mitigating impacts to native trees.

#### 4. Discussion.

- a. The biological assessment must contain a map that shows the biological features of the proposed development site with an overlay of the proposed project. The consulting biologist must identify and analyze the potential biological impacts of the proposed development and distinguish between permanent and temporary impacts. The duration of temporary impacts must be specified. Possible cumulative biological impacts must also be discussed.
- b. The report must identify any unauthorized development, including grading or vegetation removal, that may have contributed to degradation or elimination of habitat area or species that would otherwise be present on the proposed development site prior to the unauthorized development. Review of historic aerial images, record searches, the results of site-specific surveys in the vicinity, and other available evidence should be used to determine the extent and type of habitat present before the unauthorized development occurred. Habitat that constitutes ESH shall not be deprived of protection as ESH on the basis that it has been illegally removed or degraded.
- d. The report shall include an analysis of the frequency of wildfires affecting the proposed development site, the length of time since the last burn, and the impact of fire on the natural habitat on site.
- e. Finally, the report must discuss the steps that will be taken to avoid and minimize impacts to sensitive resources, and present a plan to mitigate permissible unavoidable impacts.