

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 10/23/2003
Department Name: P&D
Department No.: 053
Agenda Date: 11/4/2003
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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning & Development

STAFF CONTACT: Alicia Harrison, Planning & Development
884-8060

SUBJECT: Hearing to consider zoning ordinance text amendments to implement new permitting and appeal procedures for attached and detached residential second units: Case Nos. Article II Coastal Zoning Ordinance (03ORD-00000-00002); Article III Inland Zoning Ordinance (03ORD-00000-00003); and Article IV Montecito Zoning Ordinance (03ORD-00000-00004).

Recommendation:

That the Board of Supervisors consider the recommendations of the County Planning Commission and the Montecito Planning Commission and:

- A. Find that these amendments are categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and 15282(i) of the Guidelines for Implementation of CEQA.
- B. Adopt findings for approval of the proposed amendments.
- C. Consider adoption of the Resolution to adopt the Ordinance Amendment, 03ORD-00000-00002 of Article II.
- D. Consider adoption of an ordinance, 03ORD-00000-0002 amending Article II, Coastal Zoning Ordinance of the Santa Barbara County Code.
- E. Consider adoption of an ordinance, 03ORD-00000-00003 amending Article III, Inland Zoning Ordinance of Chapter 35 of the Santa Barbara County Code.
- F. Consider the adoption of an ordinance, 03ORD-00000-00004 amending Article IV, Montecito Zoning Ordinance of Chapter 35 of the Santa Barbara County Code.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

Executive Summary and Discussion:

1.0 Background

The California legislature enacted Assembly Bill 1866 in 2002 as a measure to simplify the permitting process for residential second units (RSUs) by mandating that applications for RSUs located in single family or multi-family zones that are received after July 1, 2003 be considered ministerially without discretionary review or a public hearing. Given the effective date of July 1, an urgency interim ordinance was adopted by the Board to ensure the County's regulations were consistent with state law. This interim ordinance will be replaced by amendments to the county's permanent ordinance for RSUs, which is currently before your Board for consideration and adoption.

The proposed ordinance amendments were heard by the County and Montecito Planning Commissions. The County Planning Commission provides recommendations to your Board on Article II and Article III. The Montecito Planning Commission provides recommendations to your Board on Article IV and in the case of countywide issues to the County Planning Commission on sections of Article II pertaining to the Montecito Planning Area for their consideration.

In the case of second units, County Planning Commission consideration has resulted in divergent recommendations from those of the Montecito Planning Commission for the sections of Article II pertaining to the Montecito Planning Area. The Commissions diverge on amendments pertaining to:

- Allowing additional zone districts;
- Increasing allowable floor area of second units;
- Noticing requirements;
- Minimum lot size for detached second units;
- On-site owner occupancy requirement; and
- Design standards.

Many of the County Planning Commission's recommendations also diverge from those amendments adopted as part of the interim ordinance amendments. Recommendations from each Commission are included in the discussion of each proposed amendment below.

2.0 Proposed Amendments

The proposed amendments to the county's permanent ordinance for Articles II, III and IV will implement Section 65852.2 (amended by AB 1866) by (1) requiring ministerial permits for detached residential second units in residential zone districts, (2) eliminating public hearing requirements for attached residential second units in the Coastal Zone appeals area, and (3) limiting appeals of approved RSU permits to situations where it can be demonstrated that the project is inconsistent with development standards governing RSUs. To provide clarification in the ordinance, stimulate the production of RSUs and provide further environmental protection, Planning & Development is also proposing other revisions that are not required by Section 65852.2.

The following is a summary of proposed amendments for the RSU permanent ordinance, including information regarding: (1) whether the proposed amendment was also in the interim ordinances adopted by your Board; (2) recommendations forwarded by the County and Montecito Planning Commissions; and (3)

where staff has provided an alternative. Minor revisions that are intended to correct or clarify existing language are not discussed in this report.

A. Merge sections of the ordinance and revise definitions

The amendment proposes to combine the attached and detached RSU regulations into one section as they both now require only a ministerial permit in residential zone districts. RSUs within the Agriculture I zone district still require a minor conditional use permit, but this permitting requirement will be reviewed under the Housing Element.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Recommended</i>

B. Allow second units in additional residential zone districts

Under the existing regulations, throughout the majority of the county RSUs are permitted in Agriculture I, Residential Ranchette, Single Family Residential, and the One-Family Exclusive Residential zone districts. Within the Montecito Planning Area (Article IV and portions of Article II), detached RSUs are restricted to the 5-E-1 and 10-E-1 zone districts on lots of five acres or more.

The proposed amendments include the Design Residential (DR), Planned Residential Development (PRD) and Old Town (OT) zone districts as zones where RSUs (attached and detached) may potentially be permitted provided certain conditions are met. The intent is to provide potential for RSUs in residential developments that exhibit a standard subdivision pattern, that is, single family detached dwellings on single family lots and where second units would not compromise the existing project and its conditions of approval.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Not Recommended - maintain R-1 and E-1 zone districts only for attached second units in Montecito Planning Area.</i>

C. Allow second units in Special Problems Areas under special circumstances

Currently, RSUs may not be permitted in areas that have been designated Special Problems Areas by the Board of Supervisors. Special Problems Areas (SPA) are, by definition, areas having present or anticipated flooding, drainage, grading, soils, geology, road with, access, sewage disposal, water supply, location or elevation problems. There are two proposed amendments that would potentially allow RSUs in Special Problems Areas. The proposed amendments are outlined below.

I. Two developable contiguous lots under one ownership – No increase in development potential

This amendment would allow second units in Special Problem Areas under very limited circumstances and only where development potential in the SPA would not increase. The following standards would need to be met in order to allow a second unit:

- The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
- The owner has submitted an irrevocable offer to dedicate a covenant of easement that prevents development on the vacant lot as long as a RSU is maintained on the developed lot.
- A determination is made that the vacant lot could be developed with a dwelling.
- The project is reviewed by the Special Problems Area Committee and approved by the Building Official.

This revision would allow for a transfer of development potential from a vacant parcel that could have been developed separately to a contiguous developed lot so that there would be no increase in the residential density within the Special Problems Area.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Recommended</i>

II. If reviewed by Special Problems Area Committee and approved by the Building Official – Increase in development potential

This proposal was developed through County Planning Commission hearings on September 22nd and October 13th, 2003. Public comments received by the Commission stated that current SPA designations are obsolete in certain areas as improvements have been made that have alleviated some of the impacts, and that in these situations there should be an alternative process for properties to seek second units subject to evaluation by the Special Problems Area Committee to assure conditions in the SPA will not be worsened. This proposal would allow for flexibility from SPA restrictions by allowing second units to be approved by the Building Official if the development standards stipulated in the residential second unit ordinance are met and the project is recommended by the Special Problems Area Committee.¹

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Not reviewed – originated in County Planning Commission hearing</i>
Alternative Staff Recommendation	<i>Review and redefine SPA designations</i>

¹ The Planning Commission’s proposed language has been revised to reflect the appropriate review process established in the Ordinance governing Special Problem Areas, which indicates approval by the Building Official upon review and recommendation by the Special Problems Area Committee. The revised language replaces the Planning Director with the Building Official as the decision-maker and clarifies the role of the Special Problems Area Committee as advisory to the decision-maker.

The dissenting Commission vote expressed concerns regarding lifting a blanket prohibition on second units in Special Problems Area without analyzing cumulative impact of such a change. Obsolete designations should be studied and revised prior to allowing ministerial approvals for second units in these areas.

In consultation with the Special Problems Area Committee, the committee determined that the most effective first step is to review and redefine the SPA designations prior to allowing an alternative ministerial process for second units in these areas (See Memo from Special Problems Area Committee in Attachment J). **The Department supports the Special Problems Area Committee’s determination and recommends review and refinement of the SPA designations prior to allowing an alternative approval process for second units in these areas.**

D. Increase allowable floor area for attached and detached second units

The proposed amendments include increases in allowable unit size. The proposal is to address comments regarding unit sizes being too restrictive and that many modular homes exceeded the existing maximum unit size of 1,000 square feet. The increase in floor area is proposed to also allow an owner to achieve a faster rate of return on their investment by realizing a higher rental rate to offset the construction costs and development fees (sewer, water, schools, traffic, etc.).

Attached Residential Second Units		
Lot Size	Existing Maximum Floor Area	Proposed Maximum Floor Area
6,000 - 9,999 sq. ft.	400 sq. ft.	600 sq. ft.
10,000-19,999 sq. ft.	600 sq. ft.	800 sq. ft.
20,000 sq. ft. - 1 acre	800 sq. ft.	1,200 sq. ft.
Over one acre	1,000 sq. ft.	1,200 sq. ft.
Detached Residential Second Units		
10,000-19,999 sq. ft.	600 sq. ft.	800 sq. ft.
20,000 sq. ft. - 1 acre	800 sq. ft.	1,200 sq. ft.
Over one acre	1,000 sq. ft.	1,200 sq. ft.
Detached Residential Second Units – Montecito Planning Area Only		
Five acres or more	1,000 sq. ft.	1,200 sq. ft.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Not Recommended – maintain existing allowable floor area with a floor area maximum of 1,000 square feet.</i>

The Montecito Planning Commission expressed concern regarding the impact this proposal may have on resources in the Montecito Planning Area, including water, sewer, schools and fire, given the potential for additional people in second units if allowable square footage is increased to 1,200 square feet. As part of their recommendation, the Montecito Planning Commission also cited policies in the plan supporting maintaining existing unit sizes (Attachment D). This is an area where the Montecito Planning Area regulations would differ between Article II and Article IV if the Board of Supervisors accepted the recommendation from the County Planning Commission.

E. Noticing requirement

The existing ordinance requires notice of an attached RSU be posted on the project site in three conspicuous places for a ten day period prior to permit issuance. Existing regulations for detached RSUs require mailed notice to surrounding property owners as they were discretionary and required a public hearing. As part of the interim amendments, the Board adopted a mailed notice to property owners within 300 feet of the project site in addition to the posted notice for both attached and detached RSUs so that neighbors would be aware of any proposals to develop a RSU.

Interim Amendments	<i>Included</i>
County Planning Commission	<i>Not Recommended – require same noticing as ministerial permits</i>
Montecito Planning Commission	<i>Recommended</i>

The County Planning Commission expressed concerns that noticing for second units to include both posting on-site and a mailing to property owners within 300 feet is too restrictive and that noticing for second units should be the same as other ministerial permits.

F. Require a two acre minimum for projects to be served by septic system unless determined to have particularly favorable soils

Presently the ordinance does not stipulate a minimum lot size for second units proposed to be served by private sewage disposal systems, although Environmental Health Services (EHS) does have a standard. To be consistent with EHS standards and the Regional Water Quality Control Board, the proposed amendments establish a minimum lot size of two acres for RSUs that are proposed to be served by private sewage systems. However a provision is included in the ordinance that allows a reduction in this standard if EHS determines that particularly favorable soil conditions exist on the project site, in which case the minimum lot size may be reduced to one acre.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Recommended</i>

G. Orientation of second unit entrance to not face abutting street

The proposed amendments include a new standard that does not allow the second unit entrance to face an abutting street unless the entrance is structurally shielded so the entrance to the RSU is not apparent when viewed from the abutting street. This will help established neighborhoods to maintain the appearance of a single family development pattern when attached RSUs are constructed.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Not Recommended</i>

Montecito Planning Commission	<i>Recommended</i>
Alternative Staff Recommendation	<i>Restrict design standard to parcels less than five acres</i>

The County Planning Commission expressed concerns that this design standard was too restrictive, particularly on large lots where such a standard is not necessary. The Planning Commission felt that by eliminating this design standard greater leeway would be allowed which could provide for better second unit design.

To be effective in protecting the character of established neighborhoods while not overly restricting large lots, **the Department offers the option of restricting the orientation of the second unit entrance to parcels less than five acres.**

H. Minimum lot size requirements

Attached RSUs may be located on lots of at least 7,000 square feet of net lot area². In order to permit a detached RSU, the lot area must be 10,000 square feet or greater (net) if located outside of the Montecito Planning Area or five acres or greater (gross) if located within the Montecito Planning Area.

The proposed amendments would retain the existing minimum lot area requirements for attached and detached RSUs, including retaining the five acre minimum lot size requirement for detached second units in the Montecito Planning Area.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Not Recommended – require the same minimum lot size for detached second units countywide and not maintain five acre minimum for detached second units in Montecito Planning Area</i>
Montecito Planning Commission	<i>Recommended – maintain five acre minimum for detached second units in Montecito Planning Area</i>

The Montecito Planning Commission recommended maintaining the five acre minimum lot size because it was figured into the proposed buildout and analyzed as part of the Montecito Community Plan. The service districts in the Montecito Planning Area have stated that decreasing minimum lot size from five acres to 10,000 square feet for detached second units would impact their ability to serve the community at buildout³.

The County Planning Commission recommended requiring the same minimum lot size for detached second units countywide, stating that there should not be different standards for different communities in the county and that other areas of the county were experiencing the same service constraints. Dissenting

² Unless the lot was created prior to June 2, 1966, in which case the minimum lot size is 6,000 square feet.

³ There are currently just over 100 parcels over five acres in Montecito. There are over 2,000 parcels between 10,000 square feet and five acres. However, this number overstates the potential for new detached RSUs within the Montecito Planning Area due to the following factors: (1) the lot may already contain a second dwelling (either legal or illegal) in addition to the primary dwelling; (2) the lot may contain a guest house that the owner does not want to convert to a detached RSU; and (3) based on past production, staff estimates 400 second units over the next 10 years countywide.

comments support a different standard based on the development of such standards through the community plan process, letting communities define their own character.

I. Prohibit detached second units from being closer to street

The proposed amendments include a new standard that does not allow the second unit to be closer to the principal abutting street than the principal dwelling so the unit is not apparent when viewed from the abutting street and helps to maintain the character of the existing neighborhood. This amendment was adopted by your Board as part of the interim urgency ordinance with language referencing the Board of Architectural Review. To meet State guidelines regarding discretionary prohibitions (which eliminate public hearings for second units) the revised proposed amendment removes the inclusion of review by the Board of Architectural Review. In place of this review, staff added language that the development standard would be restricted to parcels less than one acre.

Interim Amendments	<i>Included – however revisions have been made</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Recommended</i>

J. Require architectural compatibility

The proposed amendments include a new development standard that requires the exterior appearance and architectural style of detached residential second units to reflect that of the principal dwelling, including the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features⁴. This will help maintain a consistent design and architectural style in established neighborhoods.

Interim Amendments	<i>Included – as proposed</i>
County Planning Commission	<i>Recommended – limit design standard to parcels less than five acres</i>
Montecito Planning Commission	<i>Recommended – as proposed</i>

The County Planning Commission expressed concerns that this design standard was too restrictive, particularly on large lots where such a standard is not necessary. Their recommendation includes restricting this design standard to properties less than five acres.

K. Require 50’ setback from environmentally sensitive habitat

Proposed amendments require a buffer of no less than 50 feet between development associated with detached residential second units and designated environmentally sensitive habitat areas to protect habitat areas and environmental resources.

⁴ It is assumed that attached second units would be the same design and architectural style of the primary dwelling.

Interim Amendments	<i>Included – as proposed</i>
County Planning Commission	<i>Recommended – restrict the 50’ setback to urban areas and include a 100’ setback in rural areas</i>
Montecito Planning Commission	<i>Recommended – as proposed</i>

The County Planning Commission expressed an interest in increasing the setback from 50 feet to 100 feet in all areas in the county. In the interest of not being overly restrictive and in being consistent with other current policy to protect environmental resources, the Planning Commission ultimately supported a 50 foot setback in urban areas where parcels are typically smaller and a 100 foot setback in rural areas where parcels are typically larger.

L. Approval by Board of Architectural Review Chair or designee

The new State Guidelines for second units prohibit any public hearing or discretionary action on RSUs, including Board of Architectural Review (BAR) meetings. In order to maintain consistency with existing design standards and Hillside and Ridgeline Standards, staff previously proposed requiring consultation with the BAR Chair, or designee, in a non-hearing format in conjunction with staff review for all second residential units in all areas where BAR would have otherwise been required (e.g. Montecito, Summerland).

Upon further review of the State Guidelines following the most recent County Planning Commission hearing, staff determined that approval by the BAR Chair rather than consultation can be required in a non-hearing format and maintain a ministerial process for RSUs. BAR Chair approval would apply to second units in all areas where BAR would have otherwise been required, which includes new development in many of the community plan areas as well as those projects affected by the Hillside and Ridgelines Policy. This proposal is supported by efforts in the county to improve and provide consistency in the processing of ministerial permits.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended</i>
Montecito Planning Commission	<i>Recommended</i>
Alternative Staff Recommendation	<i>Require approval rather than consultation</i>

M. Property owner restriction

The existing RSU standards require the property owner to live on-site. As part of the interim urgency ordinance the Board did not include this standard. The concern was that this standard may be potentially too restrictive for the property owner, in terms of living location flexibility as well as resale.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Recommended – include restriction in permanent ordinance</i>
Montecito Planning Commission	<i>Not Recommended</i>

While the County Planning Commission shared the same initial concern as the Board and Montecito Planning Commission, the Commission also recognized that the requirement is in place primarily to reduce neighborhood concern about having all renter-occupied units in the neighborhood and the associated parking and maintenance concerns related to this occurrence. The state statute for second units allows the inclusion of this restriction, and the State Housing and Community Development Department indicates that the majority of jurisdictions with second unit ordinances include this restriction.

N. Mandate affordability of residential second units

The issue of whether the county should mandate affordability of residential second units was raised during the interim urgency ordinance hearings. The issue was presented to the Planning Commissions.

Interim Amendments	<i>Not Included</i>
County Planning Commission	<i>Not Recommended – however recommended incentives for a voluntary affordability program for second units</i>
Montecito Planning Commission	<i>Not Recommended</i>
Alternative Staff Recommendation	<i>Monitor second units for a year</i>

Given the high cost of constructing a residential second unit in this county, the Commissions did not recommend an affordability restriction on second units, concerned that this may deter second unit production, and may even lead to additional illegal units. The County Planning Commission, however, did express interest in developing some kind of voluntary program where property owners would restrict the affordability of their unit in exchange for some kind of fee waiver or other incentive. Given the current state of the county’s budget, it was acknowledged that General Fund would not be an available source for such an incentive program. The Commission identified in-lieu fees as a possible source for second unit incentives.

Staff presented this concept to County Housing and Community Development. The Director indicated that he would prefer to save in-lieu fees for larger affordable housing projects rather than buying down second units. These funds are used most effectively to leverage additional funds and build projects meeting the needs of very low and low income households which are not economically feasible without significant subsidy.

In addition, a fee incentive may not provide enough benefit or relief to encourage the property to have an affordable unit as opposed to a market rate unit. Establishing and maintaining an affordability program for second units creates additional work for staff for potentially very few units in return. The City of Santa Cruz is currently implementing a voluntary affordability program which has resulted in only 10 affordable units of the 109 total units over the last 10 years. This data was not available for the County Planning Commission hearing.

Staff’s alternative recommendation is to monitor second units over the next year to see what is produced, where it is produced and what the units are rented for to have a basis for formulating a voluntary affordability restriction policy in the future, if deemed appropriate. In the interim, staff proposes to add a question on the second unit application requesting anticipated rent for the second unit. If the anticipated

rent falls into a county affordable housing category, then the unit counts toward meeting that income category for the county’s Regional Housing Need Assessment allocation. However, the affordability of the units would not be enforced through the county.

O. Development standards for RSUs in agricultural zone districts

Under the interim urgency ordinance, development standards that once applied to detached residential second units requiring a minor conditional use permit have been retained and specified to apply to detached second units in agricultural zone districts, given that they still require a minor conditional use permit. This is because the state mandate provides California Environmental Quality Act (CEQA) clearance to second units in residential zone districts only.

Interim Amendments	<i>Included in Interim Amendments</i>
County Planning Commission	<i>No Majority</i>
Montecito Planning Commission	<i>Recommended</i>

The County Planning Commission provided a no majority vote on this proposed amendment supporting staff to analyze detached second units on agricultural zone districts as a ministerial process. Simplifying the process for detached RSUs on agricultural land from discretionary to ministerial requires additional environmental review, and as mentioned earlier in this report, staff will be reviewing this as part of the environmental review for the Housing Element Update.

P. Proposed Monitoring Process

Staff proposes to monitor the administration of the new ordinance for residential second units over the next year in the matters of design, location, use, affordability, and size and return to your Board in Fall 2004 with a report and recommended changes, if necessary.

6.0 ENVIRONMENTAL REVIEW

The substantive portions of the amendments that implement Government Code Section 65852.2 are exempt from the California Environmental Quality Act pursuant to Section 15282(i) of the State Guidelines for Implementation of CEQA. This statutory exemption applies to the adoption of ordinances regarding residential second units in single family and multi-family residential zones. This includes deleting the discretionary process, expanding the number of zone districts where RSUs may be allowed, increasing the RSU maximum floor area, potentially allowing RSUs in Special Problems Areas and restricting the appeal process for approved RSUs.

The minor corrections and clarifications, and increasing the minimum lots size for RSUs utilizing private sewage systems, are covered by the general rule exemption found in Section 15061(b)(c) that states that where it can be seen with certainty that a project will not result in a significant adverse impact on the environment, that project is exempt from CEQA.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards of the County’s Comprehensive Plan (including the community plans)

and the Coastal Land Use Plan. Pursuant to Government Code Section 65852.2.B.5, a RSU shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the lot. In order to approve a ministerial permit for a RSU, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan and Coastal Land Use Plan. Additionally, a RSU will be required to pay development impact mitigation fees to offset the cost of any infrastructure improvements required to serve the RSU. Therefore, these amendments may be found consistent with the applicable coastal, community and comprehensive plans.

8.0 ORDINANCE COMPLIANCE

The proposed amendments are consistent with the remaining portions of the zoning ordinances that will not be revised by the amendments. In order to approve a land use permit for a RSU, it still must be determined that the project is consistent with the whole of the applicable zoning ordinance.

Mandates and Service Levels:

Recent revisions to Government Code Section 65852.2 require that the County amend its existing residential second unit program to conform to the state law. Amendments to Articles II, III and IV of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors.

Fiscal and Facilities Impacts:

The initial work effort associated with this ordinance amendment was budgeted in Planning & Development's Development Review North Division budget on page D-268 of the adopted FY 02-03 budget. Additional work conducted in Fiscal Year 03/04 was not anticipated during budget preparation and was not allocated funding. Funds allocated to the Housing Element program have been used to complete this work. The redirection of staff and funding from the Housing Element program have resulted in a slight delay on the Housing Element. Fiscal Year 03/04 costs to complete these ordinance amendments are estimated to be \$18,000, and are funded in the Comprehensive Planning Division, General Plan Elements program on page D-284 of the Adopted Fiscal Year 03/04 budget. There are no facilities impacts. Adoption of these amendments will facilitate the development of residential second units that would result in increased property tax assessments.

Special Instructions:

Planning & Development has satisfied all noticing requirements. Clerk of the Board will transmit a copy of the Minute Order and signed Ordinances to Planning & Development, attention Alicia Harrison.

Concurrence:

County Counsel

Attachments:

- A. CEQA Guidelines Section 15061(b)(3) and 15282(i) Notice of Exemption
- B. Findings for Approval
- C. County Planning Commission Action Letter, October 13, 2003

- D. Montecito Planning Commission Action Letter, September 22, 2003
- E. Summary of County Planning Commission Recommendations, October 13, 2003
- F. County Planning Commission Resolution for Article II (Coastal Zone)
Exhibit 1: Draft Ordinance Amendments 03ORD-00000-00002 (Article II, Coastal Zone)
- G. Draft Ordinance Amendment 03ORD-00000-00003 (Article III, Inland Area)
- H. Draft Ordinance Amendment 03ORD-00000-00004 (Article IV, Montecito Planning Area)
- I. Board of Supervisors Resolution for Article II (Coastal Zone)
- J. Memo from Special Problems Area Committee, October 16, 2003
- K. Government Code Section 65852.2
- L. Administrative Guidelines for Second Units from the State Housing and Community Development Department

ATTACHMENT F

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)	
AMENDMENTS TO THE SANTA BARBARA)	
COUNTY COASTAL ZONING ORDINANCE,)	RESOLUTION NO.: <u>03-1</u>
ARTICLE II OF CHAPTER 35 OF THE)	CASE NO.: 03ORD-00000-00002
SANTA BARBARA COUNTY CODE TO)	
REVISE THE EXISTING REGULATIONS)	
REGARDING THE PERMITTING AND APPEAL)	
PROCEDURES FOR RESIDENTIAL SECOND)	
<u>UNITS.</u>)	

WITH REFERENCE TO THE FOLLOWING:

A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and

B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and

C. The Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

03ORD-00000-00002: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

1. Amend DIVISION 2, Definitions, to revise the existing definitions of Attached Residential Second Unit and Detached Residential Second Unit, and to add a new definition of Residential Second Unit.
2. Amend DIVISION 4, Zoning Districts, to include additional zone districts in which residential second units may potentially be allowed.
3. Amend DIVISION 7, General Regulations, to combine the existing separate ordinance sections concerning attached and detached residential second units into one section, to allow residential second units to be located in Special Problems Areas under certain circumstances, to increase the maximum

allowable size of residential second units, to require a two acre minimum lot size for residential second units proposed to be served by on-site sewage disposal systems unless the lot has particularly favorable soil conditions, to decrease the minimum lot size requirement for detached second units in the Montecito Planning Area, to revise and add development standards and to require consultation with the Chair or designee of the Board of Architectural Review.

4. Amend DIVISION 11, Permit Procedures, to delete the public hearing requirement for residential second units located in the geographic appeals jurisdiction of the Coastal Zone.
5. Amend DIVISION 12, Administration, to restrict the ability to appeal the approval of a coastal development permit for a residential second unit to situations where it can be demonstrated that the project is inconsistent with the development standards and to require consultation with the Chair or designee of the Board of Architectural Review.
6. Amend DIVISION 15, Montecito Community Plan Overlay District, to clarify that the restrictions on the floor area of combined accessory structures do not apply to residential second units.
7. Add a new Appendix G that includes development standards for residential second units on lots of less than two acres that would be served by on-site sewage disposal systems.
8. Make other minor corrections and clarifications.

Said ordinance (Case Number 03ORD-00000-00002) is attached hereto as Exhibit 1 and is incorporated herein by reference.

D. The proposed amendments are consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.

E. The proposed amendments are in the interest of the general community welfare, since they will implement Government Code Section 65852.2 by simplifying the permitting process for detached residential second units in residential zone districts to ministerial without compromising community values, environmental quality, or the public health and safety.

F. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the amendment initiation provisions of Article II, Section 35-180.3.4, the changes described have been initiated by the Director of Planning and Development as amendments to the Santa Barbara County Coastal Zoning Ordinance text (Article II).
3. Pursuant to the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission.
4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this 13th day of October, 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Needham
Chair of the Commission

ATTEST:

Jackie Campbell
Secretary to the Commission

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. Proposed Residential Second Unit Ordinance - Article II (03ORD-00000-00002)

Exhibit 1 of ATTACHMENT F

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, AND TO ADD A NEW APPENDIX G, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, TO REVISE THE EXISTING REGULATIONS REGARDING THE PERMITTING AND APPEAL PROCEDURES FOR ATTACHED AND DETACHED RESIDENTIAL SECOND UNITS.

Case No. 03ORD-00000-00002

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

SECTION 1:

DIVISION 2, Definitions, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the existing definitions of Attached Residential Second Unit and Detached Residential Second Unit as follows:

~~ATTACHED RESIDENTIAL SECOND UNIT: An attached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. An attached residential second unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that shares a common wall with the principal single family dwelling.

~~DETACHED RESIDENTIAL SECOND UNIT: A detached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. A Detached Residential Second Unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that is not attached to the principal single family dwelling by a common wall.

SECTION 2:

DIVISION 2, Definitions, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a definition of Residential Second Unit as follows:

RESIDENTIAL SECOND UNIT: A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. The residential second unit may either be an attached residential second unit or a detached residential second unit. The residential second unit shall not be sold or financed separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling.

SECTION 3:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-68.3.9 of Section 35-68, AG-I Agriculture I, to read as follows:

9. One ~~A~~attached ~~R~~residential ~~S~~second ~~U~~unit per legal lot ~~in the zoned~~ AG-I-5, AG-I-10; ~~and or~~ AG-I-20 ~~zone districts~~, subject to the provisions of Sec. 35-142 (~~Attached Residential Second Units~~).

SECTION 4:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-68.5.2 of Section 35-68, AG-I Agriculture I, to read as follows:

2. One ~~D~~detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot ~~in the zoned~~ AG-I-5, AG-I-10; ~~and or~~ AG-I-20 ~~zone districts~~, subject to the ~~development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS,~~ provisions of Sec. 35-142 (~~Detached Residential Second Units~~) and ~~DIVISION 11, PERMIT PROCEDURES,~~ Sec. 35-172 (Conditional Use Permits).

SECTION 5:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-70.3.9 of Section 35-70, RR Rural Residential, as follows:

9. One attached or detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Section 35-142 (~~Attached Residential Second Units~~).

SECTION 6:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-70.5.2 of Section 35-70, RR Rural Residential, as follows:

- ~~2. One Detached Residential Second Unit per legal lot, zoned RR-5, RR-10, RR-15 and RR-20, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-142A (Detached Residential Second Units) and DIVISION 11, PERMIT PROCEDURES, Sec. 35-172 (Conditional Use Permits).~~

SECTION 7:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-71.3.8 of Section 35-71, R-1/E-1 Single Family Residential, as follows:

8. One ~~A~~attached or detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Sec. 35-142: (~~Attached Residential Second Units~~).

SECTION 8:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-71.5 of Section 35-71, R-1/E-1 Single Family Residential, to delete existing Section 35-71.5.4 and renumber existing Section 35-71.5.5 as Section 35-219.5.4, as follows:

- ~~4. One Detached Residential Second Unit, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-142A (Detached Residential Second Units) and DIVISION 11, PERMIT PROCEDURES, Sec. 35-172. (Conditional Use Permits).~~

- ~~54.~~ Private kennels.

SECTION 9:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-71.13 of Section 35-71, R-1/E-1 Single Family Residential, as follows:

Sec. 35-71.13 Maximum Gross Floor Area (Floor Area Ratio or FAR)

None, except that where a ~~R~~residential ~~S~~second ~~U~~unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, (GENERAL REGULATIONS), Section 35-142.6.~~f6~~. (Development Standards) for ~~attached residential~~ second units, or Sections 35-142A.6.5 (Development Standards) for detached second units.

SECTION 10:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-73.3.9 of Section 35-73, EX-1 One-Family Exclusive Residential, as follows:

9. One ~~A~~attached or detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Sec. 35-142. (~~Attached Residential Second Units~~).

SECTION 11:

DIVISION 4, Zoning Districts, of Article ~~III~~ II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-73.4.2. of Section 35-73, EX-1 One-Family Exclusive Residential, to delete existing Section 35-73.4.2.c and renumber existing Section 35-73.4.2.d as Section 35-73.4.2.c, as follows:

- e. ~~One Detached Residential Second Unit, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-142A (Detached Residential Second Units) and DIVISION 11, PERMIT PROCEDURES, Sec. 35-172 (Conditional Use Permits).~~
- dc. Private Kennels.

SECTION 12:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-74.3 of Section 35-74, DR Design Residential, as follows:

Sec. 35-74.3 Processing.

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan; as provided in Sec. 35-174: (Development Plans); and with Sec. 35-169: (Coastal Development Permits) except that development of one single-family dwelling and one residential second unit on a single lot shall not require a Development Plan. Such single-family dwellings and residential second units shall be subject to the processing and development requirements of the R-1/E-1 zoning district.

SECTION 13:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-74.4 of Section 35-74, DR Design Residential, to add a new subsection 10, as follows:

10. One residential second unit per legal lot subject to the provisions of Sec. 35-142 (Residential Second Units) provided all of the following site requirements are met:
- a. The lot does not contain more than one principal dwelling at the time of application for the residential second unit.
 - b. The parking area required by the principal dwelling and the residential second unit is provided on the same lot that the principal dwelling is located on.
 - c. The principal dwelling and any accessory structures attached thereto do not share a common wall with a structure on an adjacent lot.
 - d. The required side yard setbacks are the same on both sides of the lot.

SECTION 14:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-75.4 of Section 35-75, PRD Planned Residential Development, as follows:

Sec. 35-75.4 Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan; as provided in Sec. 35-174: (Development Plans),

and with Sec. 35-169- (Coastal Development Permits), except that development of one residential second unit on a single lot shall not require a Development Plan. Such residential second units shall be subject to the processing and development requirements of the R-1/E-1 zone district.

In addition to the other information required under Sec. 35-174.3 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.

1. Relationship of project to surrounding land uses.
2. A copy of the proposed Covenants, Conditions, and Restriction's including provisions for maintenance of open space, facilities, and services in the project site.

SECTION 15:

DIVISION 4, Zoning Districts, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-75.7 of Section 35-75, PRD Planned Residential Development, to add a new subsection 7 and renumber the existing subsection 7 as subsection 8, as follows:

7. One residential second unit per legal lot subject to the provisions of Sec. 35-142 (Residential Second Units) provided all of the following site requirements are met:
 - a. The lot does not contain more than one principal dwelling at the time of application for the residential second unit.
 - b. The parking area required by the principal dwelling and the residential second unit is provided on the same lot that the principal dwelling is located on.
 - c. The principal dwelling and any accessory structures attached thereto do not share a common wall with a structure on an adjacent lot.
 - d. The required side yard setbacks are the same on both sides of the lot.
78. Accessory uses, buildings, and structures which are incidental, and subordinate to permitted uses.

SECTION 16:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-142 to read as follows:

Sec. 35-142. Attached Residential Second Units.***Sec. 35-142.1. Purpose and Intent***

The purpose of this section is to establish procedures and standards for both Attached and detached Residential Second Units, pursuant to §65852.2 of the California Government Code. The intent is to encourage a more efficient use of single family, multi-family, Rural Residential and Agricultural zone districts where because of the decrease in household size as a result of changing social patterns, homes are being underutilized. ~~Attached Residential Second Units~~ provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family, multi-family, Rural Residential and Agricultural areas.

Sec. 35-142.2. Applicability.

Section 35-142 shall apply to the R-1/E-1, EX-1, DR, PRD, RR, AG-I-5, AG-I-10 and AG-I-20 zone districts only.

Sec. 35-142.3. Submittal Requirements.

1. ~~As many copies of a Coastal Development Permit application as may be required shall be submitted to Planning & Development. In addition to the information contained within the Coastal Development Permit application~~ required under Sec. 35-169.3 (Coastal Development Permit – Contents of Application), the following information shall also be submitted in conjunction with an application for a residential second unit:
 - a)~~2~~. A floor plan drawn to scale of the principal ~~structure~~ dwelling and the ~~Attached Residential Second Unit~~.
 - b)~~2~~. Documentation verifying that the principal ~~structure~~ dwelling is owner-occupied.
 - c)~~2~~. The proposed method of water supply and sewage disposal for the ~~Attached Residential Second Unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.~~
2. In addition to the information required under Sec. 35-172.6 (Conditional Use Permit – Contents of Application), the following information shall also be submitted in conjunction with a application for a detached residential second unit that is proposed on property zoned AG-I:
 - a. A floor plan drawn to scale of the principal dwelling and the residential second unit.

- b. Documentation verifying that the principal dwelling is owner-occupied.
- c. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.

Sec. 35-142.4. Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, ~~Attached Residential Ssecond Uunits~~ shall not be permitted in ~~areas designated as Special Problems Areas, or any other Special Problem Areas~~ designated by the Board of Supervisors, ~~as subsequently amended from time to time~~ except as provided in Sec. 35-142.4.2 and 35-142.4.3 below based upon the finding that Special Problems Areas by definition are areas “having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems.”
2. Notwithstanding the above, an Attached Residential Ssecond Uunit may be approved within a designated Special Problems Area where the Building Official can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
 - b. The owner has submitted an irrevocable offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created, it is not a fraction lot, and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that such service is in compliance with the Company’s Domestic Water Supply Permit or b) the owner demonstrates that the lot could be served by an on-site or off-site

well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.

- 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
- 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to deny development of the site for residential purposes.

3. The Building Official may approve a residential second unit within a designated Special Problems Area where all of the development standards in Section 35-142.6 can be met and the project has been reviewed and recommended by the Special Problems Area Committee.

Sec. 35-142.5. Density/Lot Size.

1. Attached Residential Second Units.

- a. The minimum lot size on which ~~an Attached Residential Second Unit~~ may be ~~located~~ placed shall be 7,000 square feet, except that for parcels legally created prior to June 2, 1966, the minimum net lot size on which ~~Attached Residential Second Units~~ may be located shall be 6,000 square feet.
- b. For the specified ranges in lot sizes the maximum residential second unit size ~~for new units~~ shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
76,000 - 9,999 sq. ft.	400 <u>600</u> sq. ft.
10,000-19,999 sq. ft.	600 <u>800</u> sq. ft.
20,000- 1-acre <u>sq. ft. or more</u>	800 <u>1,200</u> sq. ft.
Over one acre	<u>1,000</u> sq. ft.

2. Detached Residential Second Units

- a. The minimum net lot size on which a detached residential second unit may be located shall be 10,000 square feet.
- b. For the specified ranges in lot sizes, the maximum residential second unit size shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
<u>10,000-19,999 sq. ft.</u>	<u>800 sq. ft.</u>
<u>20,000 or more sq. ft.</u>	<u>1,200 sq. ft.</u>

- e. ~~The maximum size of second units built and first occupied prior to December 16, 1993 may exceed the limits shown in the right hand column of the preceding table by up to twenty percent (20%). It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-142.10 (Expiration) for termination date of this standard.~~
- d3. No more than one ~~Attached or detached~~ Residential Second Unit shall be permitted on any one lot. If a ~~Detached~~ Residential Second Unit exists or has current approval on a parcel, ~~an Attached a second~~ Residential Second Unit may not also be approved.
- e. ~~The gross floor area of the Attached Residential Second Unit shall not exceed one thousand (1,000) square feet.~~
- f. ~~Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-142.5.c.~~

Sec. 35-142.76. Development Standards.

The following standards shall apply to all ~~Attached~~ Residential Second Units.

- a1. ~~The Attached Residential Second Unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan. Pursuant to Gov't C. Government Code, §65852.2(a)(45), the County finds that Attached R Residential S Second U Units are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties with R-1, E-1 R-1/E-1, EX-1, DR, PRD, RR, AG-I-5, AG-I-10, or AG-I-20 zoning designations.~~
- b2. The lot shall contain an existing single family ~~detached unit~~ dwelling at the time an application for a ~~Attached~~ Residential Second Unit is submitted; or the application for the second unit shall be in conjunction with the principal ~~unit~~ dwelling.

- e3. The owner of the lot shall reside on said lot, in either the principal ~~structure~~ dwelling or in the ~~Attached Residential Second Unit~~. Prior to ~~zoning clearance~~ the issuance of the Coastal Development Permit, the owner-occupant shall sign a ~~recorded~~ and record an agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Attached Residential Second Unit shall be discontinued and the residential second unit shall a) if attached, be converted into a portion of the principal structure dwelling or b) if detached, the residential second unit shall be removed or converted into a legal accessory structure.
- d4. The ~~An Attached Residential Second Unit~~ shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, ~~it~~ the increase in floor area shall not exceed thirty 30 percent (30%) of the existing living area. The floor area of the a garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area as part of the same permit to allow the Attached Residential Second Unit.
- e5. The ~~minimum~~ gross floor area of an ~~Attached Residential Second Unit~~ shall be a minimum of three hundred (300) square feet and shall not exceed 1,200 square feet. Gross floor area includes only the residential second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.
- f6. The total gross floor area of all covered structures, including ~~an Attached~~ the residential Second Unit, shall not exceed ~~forty~~ 40 percent (40%) of the gross lot area.
- g7. An ~~Attached Residential Second Unit~~ shall not exceed a mean height of 16 feet in height. However, this height limitation may be exceeded except when the portion of an Attached Residential Second Unit that would exceed a mean height of 16 feet would be is wholly contained within the existing primary principal dwelling. A detached residential second unit may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.
- h8. The ~~A Attached Residential Second Unit~~ shall have a separate entrance.
- i9. An ~~Attached Residential Second Unit~~ shall not be permitted on a lot in addition to a) a guest house, b) dwellings other than the ~~primary~~ principal dwelling determined to be

nonconforming as to use, or c) a farm employee housing dwelling. If an ~~Attached Residential Second Unit~~ exists or has been approved on a lot, a guest house or similar structure may not subsequently be approved unless the Attached Residential Second Unit is removed.

~~j10. The Attached A Residential Second Unit shall contain its own kitchen and bathroom facilities.~~

~~k11. As an advisory, the County Building & Safety Division will require that the Attached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.~~

A residential second unit shall comply with the setback regulations that apply to the principal dwelling as set forth in the applicable zone district.

~~l12. In addition to the required parking for the principal structure dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the Attached Residential Second Unit; and for b) each studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATIONS. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure dwelling on the site, the setback requirements cannot be met. In no case shall the number of additional parking spaces required for new units a residential second unit be reduced, nor shall any modification be granted to allow parking within the front setback area.~~

~~m. The Director may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-142.10 (Expiration) for the termination date of this ability to make modifications.~~

~~n13. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal structure dwelling is currently served by a public sewer or water district or an existing mutual water company, not subject~~

to moratorium for new connections, the ~~Attached Residential Second Unit~~ shall be ~~serviced~~ served by the appropriate district or company. If the principal ~~structure~~ dwelling is currently ~~serviced~~ served by a water district or an existing water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the ~~Attached Residential Second Unit~~ may be served by a private well or private water company subject to Public Health Department review and approval. ~~If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Attached Residential Second Unit may be served by a private septic system subject to Health Department review and approval.~~ ~~Where public sewer or water service is available, the Attached Residential Second Unit shall be required to be serviced by the appropriate district.~~

14. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.

~~o15. If public services are required, prior to the zoning clearance, the applicant of the Attached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.~~

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principle dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. If determined to be particularly favorable the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix G, *Development Standards For Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems*, must be satisfied. That appendix is hereby incorporated by reference.

- ~~p~~16. Upon approval of an ~~Attached Residential Second Unit~~ on a lot, the lot shall not be ~~further~~ divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan ~~and zoning~~ designation and zone district.
- ~~q~~17. The ~~Attached Residential Second Unit~~ shall not be sold or financed separately from the principal ~~structure~~ dwelling.
- ~~r~~18. Where there are conflicts between the standards set forth in this ~~Section~~ and those set forth in Sec. 35-119 (Accessory Structures) and the Specific DIVISION 4 Zoning Districts Regulations, the provisions of this ~~Section~~ shall prevail.
- ~~s~~19. ~~Prior to the issuance of zoning clearance for the Attached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Attached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolutions 88-328, or any subsequent amendments. Pursuant to the provisions of ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees prior to approval of the Coastal Development Permit or prior final building permit inspection as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.~~
- ~~T~~20. ~~The Director 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 residential neighborhood or agricultural area. The development of a detached residential second unit in agricultural zone districts shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:~~
- ~~a.~~ Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - ~~b.~~ Including buffers from sensitive areas.
 - ~~c.~~ Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.
21. For detached residential second units in agricultural zone districts the Zoning Administrator 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 residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Local Coastal Program.

22. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling on parcels less than one acre in size.
23. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features on parcels less than five acres in size.
24. In residential zone districts, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

Sec. 35-142.7. Noticing Findings for Approval.

~~The Director shall give notice of approval, including any granted modifications, pursuant to Section 35-326; however, a public hearing shall not be required.~~

In addition to the findings under DIVISION 10, Section 35-172 (Conditional Use Permits), prior to the approval of a detached residential second units located on a lot zoned AG-I-5, AG-I-10 or AG-I-20, the Zoning Administrator shall make all of the following findings:

1. The detached residential second unit is compatible with the design of the adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood.
2. Provisions for on-site parking are adequate for existing and proposed uses.
3. The detached residential second unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of second units sufficient to change the character of the neighborhood in which it is located.
4. The detached residential second unit does not significantly infringe on the privacy of surrounding residents.

5. The proposal conforms to the development standards in Section 35-142.6.

Sec. 35-142.8. Noticing.

1. Notice of an approved or conditionally approved Coastal Development Permit for an attached residential second unit, or a detached residential second unit not located in an AG-I zone district, shall be given consistent with Sec. 35-181.3 or Sec. 35-181.4 as appropriate. The notice shall state that the project may not be appealed unless the appellant can demonstrate that the project is inconsistent with the development standards contained in Sec. 35-142.6.
2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-181 (Noticing) and shall include mailed notice to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning & Development.

Sec. 35-142.89. Appeals.

The ~~Decisions~~ decision of the Planning and Development Department Director to ~~approving, approve or conditionally approving, or denying~~ approve an applications for a Attached Residential Ssecond Uunits ~~are~~ is final, subject to appeal to the Planning Commission; the grounds for appeal are limited to the demonstration that the project for which the land use permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-142.6. The decision of Planning & Development to deny an application for a residential second unit is final subject to appeal to the Planning Commission in accordance with procedures set forth in DIVISION 12, Section 35-182- (Appeals). The decisions of the Zoning Administrator to approve, conditionally approve or deny an application for a detached residential second unit in agricultural areas is final subject to appeal to the Board of Supervisors in accordance with the procedures set forth in DIVISION 12, Section 35-182 (Appeals).

Sec. 35-142.910. Revocation.

As provided in DIVISION 11, Section 35-169.9- (Coastal Development Permits - Revocation) and Section 35-172.10 (Conditional Use Permits - Revocation).

Sec. 35-142.10. Expiration.

~~Sections 35-142.5.c and 35-142.6.m, of this ordinance shall expire on March 7, 1997, unless, after a public noticed hearing on the results of these amendments, the Board adopts an extension to June 30, 1999.~~

SECTION 17:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-142A, Detached Residential Second Units, in its entirety.

SECTION 18:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144.3, Ridgelines and Hillside Development Guidelines, to read as follows:

Sec. 35-144.3. Development Guidelines.

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

Urban Areas:

- A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. (See definition of building height, page 3).
- B. Proposed structures should be in character with adjacent structures.
- C. Large understories and exposed retaining walls should be minimized.
- D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

- A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- B. Building rake and ridge line should conform to or reflect the surrounding terrain.
- C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- D. Large, visually unbroken and/or exposed retaining walls should be minimized.
- E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.

- F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
- G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning and Development Department (P&D), as stipulated below, must make one or more of the following findings:

1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)
2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)
3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)
4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)
5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)
6. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 19:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144B, Applications That are Within the Jurisdiction of More than One Final Decision Maker, to read as follows:

Sec. 35-144B. Applications That are Within the Jurisdiction of More than One Final Decision Maker

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be

under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:

- 1a. Board of Supervisors
 - 2b. Planning Commission
 - 3c. Zoning Administrator, except in the Montecito Planning Area
 - 4d. Director
2. If the Board of Supervisors is the decision-maker for a project, due to a companion discretionary applications(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.
 3. With the exception of applications for Coastal Development Permit that are subject to the regulations of Sec. 35-169.5, this section shall not apply to applications for Coastal Development Permits submitted pursuant to Sec. 35-169 or Emergency Permits submitted pursuant to Sec. 35-171 or Land Use Permits submitted pursuant to Sec. 35-178.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.5 to read as follows:

Sec. 35-169.5. Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.

A Coastal Development Permit application under the Permitted Uses section of any Zone District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4, above: However, this section shall not apply to a Coastal Development Permit application for a residential second unit submitted pursuant to Sec. 35-142.

1. After accepting the application for processing, the Planning and Development Department shall process the project through environmental review.
2. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review.
3. The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or

deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182. (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Sec. 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision-maker for the Coastal Development Permit.

4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6., can still be made. A Coastal Development Permit approved pursuant to this Section shall not be considered to be in effect and shall not be issued until a) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, b) the applicant has signed the Coastal Development Permit, and c) the applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission.

SECTION 21:

DIVISION 12, Administration, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-182.2 to read as follows:

Sec. 35-182.2. Appeals to the Planning Commission.

1. Except for those actions on Coastal Development Permits which ~~are appealable~~ may be appealed to the Coastal Commission as provided for under Sec. 35-182.4., the decisions of the Planning and Development Department on the approval, denial, or revocation, of Coastal Development Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal, which shall be in writing, and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten ~~(10)~~ calendar days following the date of decision for projects under the jurisdiction of the Director.

- b. Within the ten ~~(10)~~ calendar days following the posting date for the notice of Coastal Development Permit approval, as required by Section 35-181.3., or if denied, within the ten ~~(10)~~ calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten ~~(10)~~ calendar days following the date of final decision by the Board of Architectural Review ~~(BAR)~~. If final approval by the ~~BAR~~ Board of Architectural Review is appealed, the hearing on the appeal shall only be held after the decision on the Coastal Development Permit but, prior to the issuance of the Coastal Development Permit for such project. The ~~BAR~~ Board of Architectural Review appeal shall be processed concurrently with any appeal of the Coastal Development Permit. If a denial by the ~~BAR~~ Board of Architectural Review is appealed, a separate hearing shall be held on the ~~BAR~~ Board of Architectural Review appeal prior to the decision on the Coastal Development Permit. No permits shall be issued until all appeals have been heard and/or resolved.
 - d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or the ~~BAR~~ Board of Architectural Review, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or ~~BAR~~ the Board of Architectural Review. If the approval of a Coastal Development Permit required by a previously approved discretionary permit is appealed, the appellant must identify how the Coastal Development Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-181. (Noticing).
2. Notwithstanding Sec. 35-181.2.1, the decision of the Planning and Development Department to approve or conditionally approve a Coastal Development Permit for a residential second unit pursuant to Sec. 35-142 may be appealed to the Planning Commission only where the appellant can demonstrate that the project for which the Coastal Development was approved or conditionally approved is inconsistent with the development standards of Sec. 35-142.6.

3. The appellant shall state specifically in the appeal how the decision of the Planning and Development Department, Director, or the Board of Architectural Review, is inconsistent with the provisions and purposes of this Article, or the error or abuse of discretion committed by the Planning and Development Department, Director, or the Board of Architectural Review.
24. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement ~~from the Planning and Development Department~~ setting forth the reasons for the decision by the Planning and Development Department, Director, or Board of Architectural Review.
35. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director, or Board of Architectural Review at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-181.2 (Noticing) and notice shall also be mailed to the appellant.

SECTION 22:

DIVISION 12, Administration, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-184.3 to read as follows:

Sec. 35-184.3. Exceptions.

No Board of Architectural Review approval is required for the following:

1. Interior alterations.
2. Decks
3. Swimming pools, hot tubs, and spas.
4. Fences or walls six (6) feet or less and gateposts of eight (8) feet or less in height when located in the front yard setback. Fences and walls of eight (8) feet or less and gateposts of ten (10) feet or less in height when located outside of front yard setback areas and not closer than twenty (20) feet from the right-of-way of any street. However, when a part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, such structures shall be included as part of the architectural review of the project.
5. Solar panels.
6. Any other exterior alteration determined to be minor by the Director.

7. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 23:

DIVISION 15, Montecito Community Plan Overlay District, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-210, Accessory Structures, to read as follows:

Sec. 35-210. Accessory Structures.

1. Accessory structures, except barns and stables shall not exceed ~~sixteen~~ (16) feet in height and shall conform to the front and side yard setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer that ten (~~10~~) feet to the principal structure; and that it occupies no more than 30 percent of the required rear yard; and that it does not exceed a height of ~~twelve~~ (12) feet.
2. Accessory structures containing one or more accessory use shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior, perimeter walls, excluding barns and stables. For the purpose of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995.
3. Sec. 35-210.1 and Sec. 35-210.2 shall not apply to residential second units that meet the development standards of Sec. 35-142.6 (Residential Second Units – Development Standards).

SECTION 24:

Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add Appendix G, Development Standards For Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems, to read as follows:

APPENDIX G - DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principle dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that a septic system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.
 - a. A description of the methodology employed in the performance test.
 - b. A site plan showing the location of the test.
 - c. A table of data obtained for the performance test at each test location.
 - d. A log of the subsurface soil and groundwater conditions encountered.
 - e. A statement as to which soil zones will be those utilized by the installed system.
 - f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
 - g. A site plan indicating the septic system location, the 100 percent expansion area, all required setbacks and the area designated for development.
 - h. A statement that the parcel can be developed as proposed and that the septic system can be expected to function satisfactorily with normal use and routine maintenance.

All septic systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent

slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:

- a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.
- b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.
- c. A plot plan showing the existing sewage disposal system for the main house, including the area required to be reserved for the 100 percent expansion area, and the proposed system for the second unit.
- d. The on-site sewage disposal system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
- e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.
- f. For drywell disposal:
 - 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.

- 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

SECTION 25:

Except as amended by this Ordinance, Divisions 2, 4, 7, 11, 12 and 15 of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2003, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

NAOMI SCHWARTZ
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ATTACHMENT G

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, ADMINISTRATION, AND TO ADD A NEW APPENDIX E, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, TO REVISE THE EXISTING REGULATIONS REGARDING THE PERMITTING AND APPEAL PROCEDURES FOR ATTACHED AND DETACHED RESIDENTIAL SECOND UNITS.

Case No. 03ORD-00000-00003

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

SECTION 1:

DIVISION 2, Definitions, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the existing definitions of Attached Residential Second Unit and Detached Residential Second Unit as follows:

ATTACHED RESIDENTIAL SECOND UNIT: ~~An attached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. An attached residential second unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that shares a common wall with the principal single family dwelling.

DETACHED RESIDENTIAL SECOND UNIT: ~~A detached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. A Detached Residential Second Unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that is not attached to the principal single family dwelling by a common wall.

SECTION 2:

DIVISION 2, Definitions, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add a definition of Residential Second Unit as follows:

RESIDENTIAL SECOND UNIT: A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. The residential second unit may either be an attached residential second unit or detached residential second unit. The residential second unit shall not be sold or financed separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling.

SECTION 3:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.3.11 of Section 35-216, AG-I Agriculture I, to read as follows:

11. One ~~A~~attached ~~R~~residential ~~S~~second ~~U~~unit per legal lot, zoned AG-I-5, AG-I-10, ~~and or~~ AG-I-20 subject to the provisions of Sec. 35-291 (Residential Second Units).

SECTION 4:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.5.5 of Section 35-216, AG-I Agriculture I, to read as follows:

5. One ~~D~~detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot, zoned AG-I-5, AG-I-10, ~~and or~~ AG-I-20, subject to the ~~development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS,~~ provisions of Sec. 35-291a (Detached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-315 (Conditional Use Permits).

SECTION 5:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-218.3.9 of Section 35-218, RR Residential Ranchette, as follows:

9. One ~~A~~attached or detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Section 35-291 (~~Attached Residential Second Units~~).

SECTION 6:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-218.5.2 of Section 35-218, RR Residential Ranchette, as follows:

- ~~2. One Detached Residential Second Unit per legal lot, zoned RR-5, RR-10, RR-15 and RR-20, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-291a (Detached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-315 (Conditional Use Permits).~~

SECTION 7:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-219.3.8 of Section 35-219, R-1/E-1 Single Family Residential, as follows:

8. One ~~A~~attached or detached ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Sec. 35-291: (~~Attached Residential Second Units~~).

SECTION 8:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.5 of Section 35-219, R-1/E-1 Single Family Residential, to delete existing Section 35-219.5.4 and renumber existing Section 35-219.5.5 as Section 35-219.5.4, as follows:

- ~~4. One Detached Residential Second Unit, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-291a (Detached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-315. (Conditional Use Permits).~~
54. Private kennels.

SECTION 9:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.13 of Section 35-219, R-1/E-1 Single Family Residential, as follows:

Sec. 35-71.13. Maximum Gross Floor Area (Floor Area Ratio or FAR)

None, except that where a ~~R~~residential ~~S~~second ~~U~~unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, ~~(GENERAL REGULATIONS)~~, Section 35-291.6.6- (Development Standards) for ~~attached residential second units, or Sections 35-291a.6.5 (Development Standards) for detached second units.~~

SECTION 10:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.3.9 of Section 35-221, EX-1 One-Family Exclusive Residential, as follows:

9. One ~~A~~attached ~~or detached~~ ~~R~~residential ~~S~~second ~~U~~unit per legal lot subject to the provisions of Sec. 35-291: ~~(Attached Residential Second Units).~~

SECTION 11:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-221.4.2.b of Section 35-221, EX-1 One-Family Exclusive Residential, as follows:

- ~~b. One Detached Residential Second Unit, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Sec. 35-291a (Detached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-315 (Conditional Use Permits).~~

SECTION 12:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-222.3 of Section 35-222, DR Design Residential, as follows:

Sec. 35-222.3 Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan as provided in Sec. 35-317: (Development Plans), and with Sec. 35-314: (Land Use Permits), except that development of one single-family dwelling and one residential second unit on a single lot shall not require a Development Plan. Such single-family dwellings and residential second units shall be subject to the processing and development requirements of the R-1/E-1 zoning district. Modifications to Development Plans may be granted by the Planning Commission or Board of Supervisors pursuant to Sec. 35-317.8 (Development Plans).

SECTION 13:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-222.4 of Section 35-222, DR Design Residential, to add a new subsection 10 and renumber the existing subsection 10 as subsection 11, as follows:

10. One residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units) provided all of the following site requirements are met:

- a. The lot does not contain more than one principal dwelling at the time of application for the residential second unit.
- b. The parking area required by the principal dwelling and the residential second unit is provided on the same lot that the principal dwelling is located on.
- c. The principal dwelling and any accessory structures attached thereto do not share a common wall with a structure on an adjacent lot.
- d. The required side yard setbacks are the same on both sides of the lot.

~~1011.~~ Uses, buildings, and structures incidental, accessory, and subordinate to permitted uses and not involving the maintenance of a commercial enterprise on the premises.

SECTION 14:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-223.4 of Section 35-223, PRD Planned Residential Development, as follows:

Sec. 35-223.4 Processing.

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317 (Development Plans), and with Sec. 35-314 (Land Use Permits), except that development of one residential second unit on a single lot shall not require a Development Plan. Such residential second units shall be subject to the processing and development requirements of the R-1/E-1 zone district.

In addition to the other information required under Sec. 35-317 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.

1. Relationship of project to surrounding land uses.
2. A copy of the proposed C.C. & R.'s including provisions for maintenance of open space, facilities, and services in the project site.

SECTION 15:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-223.7 of Section 35-223, PRD Planned Residential Development, to add a new subsection 7 and renumber the existing subsection 7 as subsection 8, as follows:

7. One residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units) provided all of the following site requirements are met:
 - a. The lot does not contain more than one principal dwelling at the time of application for the residential second unit.
 - b. The parking area required by the principal dwelling and the residential second unit is provided on the same lot that the principal dwelling is located on.
 - c. The principal dwelling and any accessory structures attached thereto do not share a common wall with a structure on an adjacent lot.
 - d. The required side yard setbacks are the same on both sides of the lot.
78. Uses, buildings, and structures incidental, accessory, and subordinate to permitted uses and not involving the maintenance of a commercial enterprise on the premises.

SECTION 16:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291 to read as follows:

Sec. 35-291. ~~Attached Residential Second Units.~~

Sec. 35-291.1. Purpose and Intent

The purpose of this section is to establish procedures and standards for ~~A~~attached and detached Residential Second Units pursuant to §65852.2 of the California Government Code. The intent is to encourage a more efficient use of single family, multi-family, Residential Ranchette and Agricultural zone districts where because of the decrease in household size as a result of changing social patterns, homes are being underutilized. ~~Attached Residential Second Units~~ provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family, multi-family, Residential Ranchette and Agricultural and Rural Residential areas.

Sec. 35-291.2. Applicability.

Section 35-291. shall apply to the R-1/E-1, EX-1, DR, PRD, OT, RR, AG-I-5, AG-I-10 and AG-I-20 zone districts only.

Sec. 35-291.3 Submittal Requirements.

1. ~~As many copies of a Land Use Permit application as may be required shall be submitted to the Planning and Development Department.~~ In addition to the information contained within the Land Use Permit application required under Sec. 35-314.3 (Land Use Permit – Contents of Application), the following information shall also be submitted in conjunction with a application for a residential second unit:
 - 1a. A floor plan drawn to scale of the principal ~~structure~~ dwelling and the ~~Attached Residential Second Unit.~~
 - 2b. Documentation verifying that the principal ~~structure~~ dwelling is owner-occupied.
 - 3c. The proposed method of water supply and sewage disposal for the ~~Attached Residential Second Unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.~~
2. In addition to the information required under Sec. 35-315.6 (Conditional Use Permit – Contents of Application), the following information shall also be submitted in conjunction with a application for an detached residential second unit that is proposed on property zoned AG-I:

- a. A floor plan drawn to scale of the principal dwelling and the residential second unit.
- b. Documentation verifying that the principal dwelling is owner-occupied.
- c. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.

Sec. 35-291.4 Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, ~~Attached Residential Ssecond Uunits~~ shall not be permitted in ~~areas designated as Special Problems Areas, or any other Special Problem Areas~~ designated by the Board of Supervisors, ~~as subsequently amended from time to time~~ except as provided in Sec. 35-291.4.2 and 35-291.4.3 below based upon the finding that Special Problems Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems.
2. A residential second unit may be approved within a designated Special Problems Area where the Building Official can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
 - b. The owner has submitted an irrevocable offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created, it is not a fraction lot, and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that such service is in compliance with the Company's Domestic Water Supply Permit or b) the

owner demonstrates that the lot could be served by an on-site or off-site well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.

- 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
- 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to deny development of the site for residential purposes.

3. The Building Official may approve a residential second unit within a designated Special Problems Area where all of the development standards in Section 35-291.6 can be met and the project has been reviewed and recommended by the Special Problems Area Committee.

Sec. 35-291.5 Density/Lot Size.

1. Attached Residential Second Units.

- a. The minimum lot size on which ~~an Attached Residential Second Units~~ may be ~~placed~~ located shall be 7,000 square feet, except that for parcels legally created prior to June 2, 1966, the minimum net lot size on which ~~Attached Residential Second Units~~ may be located shall be 6,000 square feet.
- ~~2b.~~ For the specified ranges in lot sizes the maximum residential second unit size ~~for new units~~ shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
<u>7,000 - 9,999 sq. ft.</u>	<u>400 600 sq. ft.</u>
<u>10,000-19,999 sq. ft.</u>	<u>600 800 sq. ft.</u>

20,000–1-acre <u>sq. ft. or more</u>	800 <u>1,200</u> sq. ft.
Over one acre	1,000 sq. ft.

2. Detached Residential Second Units.

- a. The minimum net lot size on which a detached residential second unit may be located shall be 10,000 square feet.
- b. For the specified ranges in lot sizes, the maximum residential second unit size shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
<u>10,000-19,999 sq. ft.</u>	<u>800 sq. ft.</u>
<u>20,000 or more sq. ft.</u>	<u>1,200 sq. ft.</u>

- 3. ~~The maximum size of second units built and first occupied prior to December 16, 1993 may exceed the limits shown in the right hand column of the preceding table by up to twenty percent (20%). It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-291.10 (Expiration) for termination date of this standard.~~
- 43. ~~No more than one Attached or detached Residential Second Unit shall be permitted on any one lot. If a Detached Residential Second Unit exists or has current approval on a parcel lot, an Attached a second Residential Second Unit may not also be approved.~~
- 5. ~~The gross floor area of the Attached Residential Second Unit shall not exceed one thousand (1,000) square feet.~~
- 6. ~~Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-291.5.3.~~

Sec. 35-291.6. Development Standards.

The following standards shall apply to all Attached Residential Second Units.

- 1. ~~The Attached Residential Second Unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan. Pursuant to Gov't C. Government Code §65852.2(ab)(45), the County finds that Attached Residential Second Units are consistent with the allowable density and with the general plan and zoning designation provided the residential second units are located on properties with R-1, E-1 R-1/E-1, EX-1, DR, PRD, OT, RR, AG-I-5, AG-I-10; or AG-I-20 zoning designations.~~

2. The lot shall contain an existing single family ~~detached unit~~ dwelling at the time an application for an ~~Attached R~~residential S~~second U~~unit is submitted or the application for the residential second unit shall be in conjunction with the principal ~~unit~~ dwelling.
3. The owner of the lot shall reside on said lot, in either the principal ~~structure~~ dwelling or in the ~~Attached R~~residential S~~second U~~unit. Prior to ~~zoning clearance~~ the issuance of the Land Use Permit, the owner-occupant shall sign a ~~recorded and record~~ an agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the ~~Attached R~~residential S~~second U~~unit shall be discontinued and the residential second unit shall a) if attached, be converted into a portion of the principal structure dwelling or b), if detached, be removed or converted into a legal accessory structure.
4. The ~~An A~~Attached R~~residential S~~second Uunit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, ~~it~~ the increase in floor area shall not exceed ~~thirty~~ 30 percent (~~30%~~) of the existing living area. The floor area of ~~the a~~ garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area as part of the same permit to allow the ~~A~~Attached R~~residential S~~second Uunit.
5. The ~~minimum~~ gross floor area of an ~~Attached R~~residential S~~second U~~unit shall be a minimum of three hundred (300) square feet and shall not exceed 1,200 square feet. Gross floor area includes only the residential second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the residential second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the residential second unit.
6. The total gross floor area of all covered structures, including ~~an Attached~~ the residential S~~second U~~unit, shall not exceed ~~forty~~ 40 percent (~~40%~~) of the gross lot area of the lot that the residential second unit is situated on.
7. ~~An Attached R~~residential S~~second U~~unit shall not exceed a mean height of 16 feet in height. However, ~~this height limitation may be exceeded~~ except when the portion of an ~~A~~Attached R~~residential S~~second Uunit that would exceed a mean height of 16 feet would be is wholly contained within the existing primary principal dwelling. A detached residential second unit

may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.

8. The ~~A Attached Residential Second Unit~~ shall have a separate entrance.
9. An ~~Attached Residential Second Unit~~ shall not be permitted on a lot in addition to a) a guest house, b) dwellings other than the primary principal dwelling determined to be nonconforming as to use, or c) a farm employee housing dwelling unless the residential second unit is proposed to be located on a lot zoned AG-I. If an ~~Attached Residential Second Unit~~ exists or has been approved on a lot, a guest house or similar structure may not subsequently be approved unless the Attached Residential Second Unit is removed.
10. ~~The Attached A Residential Second Unit~~ shall contain separate its own kitchen and bathroom facilities.
11. ~~As an advisory, the County Building & Safety Division will require that the Attached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.~~
A residential second unit shall comply with the setback regulations that apply to the principal dwelling as set forth in the applicable zone district.
12. In addition to the required parking for the principal ~~structure dwelling~~, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the Attached Residential Second Unit; and for b) each studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATIONS. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal ~~structure dwelling~~ on the site, the setback requirements cannot be met. In no case shall the number of additional parking spaces required for ~~new units~~ a residential second unit be reduced, nor shall any modification be granted to allow parking within the front setback area.
13. ~~The Director may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second~~

~~unit was first occupied. See Section 35-291.10 (Expiration) for the termination date of this ability to make modifications.~~

- ~~1413. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal structure dwelling is currently serviced served by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Attached Residential Second Unit shall be serviced served by the appropriate district or company. If the principal structure dwelling is currently serviced served by a water district or an existing water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Attached Residential Second Unit may be served by a private well or private water company subject to Public Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Attached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Attached Residential Second Unit shall be required to be serviced by the appropriate district.~~
14. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.
15. ~~If public services are required, prior to the zoning clearance, the applicant of the Attached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.~~
A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principle dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. If determined to be particularly favorable the minimum lot area may

be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix E, *Development Standards for Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems*, must be satisfied. That appendix is hereby incorporated by reference.

16. Upon approval of an ~~attached~~ residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan ~~and zoning~~ designation and zone district.
17. The ~~Attached Residential Second Unit~~ shall not be sold or financed separately from the principal ~~structure~~ dwelling.
18. Where there are conflicts between the standards set forth in this section and those set forth in Sec. 35-267 (Accessory Structures) and the Specific DIVISION 4 Zoning Districts Regulations, the provisions of this section shall prevail.
19. ~~Prior to the issuance of zoning clearance for the Attached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Attached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolutions 88-328, or any subsequent amendment.~~ Pursuant to the provisions of ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees prior to approval of the Land Use Permit or prior to final building permit inspection as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
20. ~~The Director 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 residential neighborhood or agricultural area. The development of a detached residential second unit in agricultural zone districts shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:~~
 - a. Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - b. Including buffers from sensitive areas.
 - c. Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.

21. For detached second units in agricultural zone districts the Zoning Administrator 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 residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.
22. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling on parcels less than one acre in size.
23. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features on parcels less than five acres in size.
24. In residential zone districts, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

Sec. 35-291.7. Noticing Findings for Approval.

~~The Director shall give notice of approval, including any granted modifications, pursuant to Section 35-326, however, a public hearing shall not be required.~~

In addition to the findings under DIVISION 10, Section 35-315 (Conditional Use Permits), prior to the approval of a detached residential second units located on a lot zoned AG-I-5, AG-I-10 or AG-I-20, the Zoning Administrator shall make all of the following findings:

1. The detached residential second unit is compatible with the design of the adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood.
2. Provisions for on-site parking are adequate for existing and proposed uses.

3. The detached residential second unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of second units sufficient to change the character of the neighborhood in which it is located.
4. The detached residential second unit does not significantly infringe on the privacy of surrounding residents.
5. The proposal conforms to the development standards in Section 35-291.6.

Sec. 35-291.8. Noticing.

1. Notice of an approved or conditionally approved Land Use Permit for an attached residential second unit or a detached residential second unit not located in an AG-I zone district shall be given consistent with Sec. 35-326.3. The notice shall state that the project may not be appealed unless the appellant can demonstrate that the project is inconsistent with the development standards contained in Sec. 35-291.6.
2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and shall include mailed notice to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning & Development.

Sec. 35-291.89. Appeals.

The ~~Decisions~~ decision of the ~~Planning and Development Department Director~~ to ~~approving~~, approve or conditionally approving, or ~~denying~~ approve an applications for a ~~Attached~~ Residential ~~S~~second ~~U~~units ~~are~~ is final; subject to appeal to the Planning Commission; the grounds for appeal are limited to the demonstration that the project for which the land use permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-291.6. The decision of Planning & Development to deny an application for a residential second unit is final subject to appeal to the Planning Commission in accordance with procedures set forth in DIVISION 11, Section 35-327- (Appeals). The decisions of the Zoning Administrator to approve, conditionally approve or deny an application for a detached residential second unit in agricultural areas is final subject to appeal to the Board of Supervisors in accordance with the procedures set forth in DIVISION 12, Section 35-327 (Appeals).

Sec. 35-291.910. Revocation.

As provided in DIVISION 10, Section 35-314.7- (Land Use Permits - Revocation) and Section 35-315.10 (Conditional Use Permits - Revocation).

~~Sec. 35-291.10. Expiration.~~

~~Sections 35-291.5.3 and 35-291.6.13, of this ordinance shall expire on March 7, 1997, unless, after a public noticed hearing on the results of these amendments, the Board adopts an extension to June 30, 1999.~~

SECTION 17:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-291A, Detached Residential Second Units, in its entirety.

SECTION 18:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292b.3., Ridgelines and Hillside Development Guidelines, to read as follows:

Sec. 35-292b.3. Development Guidelines.

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

Urban Areas:

- A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. (See definition of building height).
- B. Proposed structures should be in character with adjacent structures.
- C. Large understories and exposed retaining walls should be minimized.
- D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

- A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- B. Building rake and ridge line should conform to or reflect the surrounding terrain.

- C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- D. Large, visually unbroken and/or exposed retaining walls should be minimized.
- E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
- G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning and Development Department (P&D), as stipulated below, must make one or more of the following findings:

1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)
2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)
3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)
4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)
5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)
6. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 19:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292d, Applications that are Within the Jurisdiction of More Than One Final Decision Maker, to read as follows:

Sec. 35-292d. Applications that are Within the Jurisdiction of More Than One Final Decision Maker

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:
 - ~~1~~a. Board of Supervisors
 - ~~2~~b. Planning Commission
 - ~~3~~c. Zoning Administrator
 - ~~4~~d. Director
2. If the Board of Supervisors is the decision-maker for a project, due to a companion discretionary applications(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.
3. This section shall not apply to applications for Land Use Permits submitted pursuant to Sec. 35-314 or Emergency Permits submitted pursuant to Sec. 35-322.

SECTION 20:

DIVISION 11, Administration, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-327.2 to read as follows:

Sec. 35-327.2. Appeals to the Planning Commission.

1. The decisions of the Planning and Development Department on the approval, denial, or revocation, of Land Use Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten (~~10~~) calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten (~~10~~) calendar days following the posting date for the notice of Land Use Permit approval, as required by Section 35-488., or if denied, within the ten (~~10~~)

calendar days following the decision of the Planning and Development Department to deny such permit application.

- c. Within the ten ~~(10)~~ calendar days following the date of final decision by the Board of Architectural Review ~~(BAR)~~. If final approval by the ~~BAR~~ Board of Architectural Review is appealed, the hearing on the appeal shall only be held after the decision on the Land Use Permit but, prior to the issuance of the Land Use Permit for such project. The ~~BAR~~ Board of Architectural Review appeal shall be processed concurrently with any appeal of the Land Use Permit. If a denial by the ~~BAR~~ Board of Architectural Review is appealed, a separate hearing shall be held on the ~~BAR~~ Board of Architectural Review appeal prior to the decision on the Land Use Permit. No permits shall be issued until all appeals have been heard and/or resolved.
 - d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Land Use Permit, or the decision of the Director or the ~~BAR~~ Board of Architectural Review is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or ~~BAR~~ the Board of Architectural Review. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant must identify how the Land Use Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-488. (Noticing).
2. Notwithstanding Sec. 35-327.2.1, the decision of the Planning and Development Department to approve or conditionally approve a Land Use Permit for a residential second unit pursuant to Sec. 35-291 may be appealed to the Planning Commission only where the appellant can demonstrate that the project for which the Land Use Permit was approved or conditionally approved is inconsistent with the development standards of Sec. 35-291.6.
 23. The appellant shall state specifically in the appeal how the decision of the Planning and Development Department, Director, or ~~BAR~~ the Board of Architectural Review, is inconsistent with the provisions and purposes of this Article, or the error or abuse of discretion committed by the Planning and Development Department, Director, or the Board of Architectural Review.

34. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning and Development Department, Director, or Board of Architectural Review.
45. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director, or Board of Architectural Review at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-326 (Noticing) and notice shall also be mailed to the appellant.

SECTION 21:

DIVISION 11, Administration, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-329.3 to read as follows:

Sec. 35-329.3. Exceptions.

No Board of Architectural Review approval is required for the following:

1. Interior alterations.
2. Decks
3. Swimming pools, hot tubs, and spas.
4. Fences or walls six (6) feet or less and gateposts of eight (8) feet or less in height when located in the front yard setback. Fences and walls of eight (8) feet or less and gateposts of ten (10) feet or less in height when located outside of front yard setback areas and not closer than twenty (20) feet from the right-of-way of any street. However, when a part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, such structures shall be included as part of the architectural review of the project.
5. Solar panels.
6. Any other exterior alteration determined to be minor by the Director.
7. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 22:

Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add Appendix E, Development Standards for Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems, to read as follows:

APPENDIX E – DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that a septic system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.
 - a. A description of the methodology employed in the performance test.
 - b. A site plan showing the location of the test.
 - c. A table of data obtained for the performance test at each test location.
 - d. A log of the subsurface soil and groundwater conditions encountered.
 - e. A statement as to which soil zones will be those utilized by the installed system.
 - f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
 - g. A site plan indicating the septic system location, the 100 percent expansion area, all required setbacks and the area designated for development.
 - h. A statement that the parcel can be developed as proposed and that the septic system can be expected to function satisfactorily with normal use and routine maintenance.

All septic systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may

be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:

- a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.
- b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.
- c. A plot plan showing the existing sewage disposal system for the main house, including the area required to be reserved for the 100 percent expansion area, and the proposed system for the second unit.
- d. The on-site sewage disposal system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
- e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.

f. For drywell disposal:

- 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.
- 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

SECTION 23:

Except as amended by this Ordinance, Divisions 2, 4, 7 and 10 of Article III of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 24:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2003, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

NAOMI SCHWARTZ
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ATTACHMENT H

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 10, ADMINISTRATION, AND TO ADD A NEW APPENDIX E, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, TO REVISE THE EXISTING REGULATIONS REGARDING THE PERMITTING AND APPEAL PROCESS FOR ATTACHED AND DETACHED RESIDENTIAL SECOND UNITS.

Case No. 03ORD-00000-00004

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

SECTION 1:

DIVISION 2, Definitions, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the existing definitions of Attached Residential Second Unit and Detached Residential Second Unit as follows:

~~ATTACHED RESIDENTIAL SECOND UNIT: An attached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. An attached residential second unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that shares a common wall with the principal single family dwelling.

~~DETACHED RESIDENTIAL SECOND UNIT: A detached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one family dwelling. A Detached Residential Second Unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principle dwelling.~~ A residential second unit that is not attached to the principal single family dwelling by a common wall.

SECTION 2:

DIVISION 2, Definitions, of Article IV of the Santa Barbara County Code is hereby amended to add a definition of Residential Second Unit as follows:

RESIDENTIAL SECOND UNIT: A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. The residential second unit may either be an attached residential second unit or a detached residential second unit. The residential second unit shall not be sold or financed separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling.

SECTION 3:

DIVISION 4, Zoning Districts, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.3.8 of Section 35-419, R-1/E-1 Single Family Residential, as follows:

8. ~~One Attached or detached Residential Second Unit per legal lot in the R-1 and E-1 zone districts, subject to the development standards and requirements as set forth in DIVISION 7, GENERAL REGULATIONS, provisions of Sec. 35-470 (Attached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-482 (Land Use Permits).~~

SECTION 4:

DIVISION 4, Zoning Districts, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.5 of Section 35-419, R-1/E-1 Single Family Residential, to delete existing Section 35-419.5.3 and renumber existing Section 35-419.5.4 as Section 35-419.5.3, as follows:

3. ~~One Detached Residential Second Unit, per legal lot, on lots of five acres or greater in the 5-E-1 and 10-E-1 zone districts, subject to the development standards and requirements set forth in DIVISION 7, GENERAL REGULATIONS, Dec. 35-470A (Detached Residential Second Units) and DIVISION 10, PERMIT PROCEDURES, Sec. 35-483 (Conditional Use Permits).~~

43. Private kennels.

SECTION 5:

DIVISION 4, Zoning Districts, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-419.13 of Section 35-419, R-1/E-1 Single Family Residential, as follows:

Sec. 35-419.13 Maximum Gross Floor Area (Floor Area Ratio or FAR)

None, except that where a ~~R~~residential ~~S~~second ~~U~~unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, (GENERAL REGULATIONS), Section 35-470.6.6 (Development Standards) for ~~attached residential second units, or Sections 35-470A.6.5 (Development Standards) for detached second units.~~

SECTION 6:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-470 to read as follows:

Sec. 35-470. Attached Residential Second Units.

Sec. 35-470.1. Purpose and Intent

The purpose of this section is to establish procedures and standards for ~~A~~attached and detached ~~R~~residential ~~S~~second ~~U~~units pursuant to §65852.2 of the California Government Code. The intent is to encourage a more efficient use of single family and multi-family zone districts ~~where, because of the decrease in household size as a result of changing social patterns, homes are being underutilized.~~ Attached Residential ~~S~~second ~~U~~units provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family and multi-family areas.

Sec. 35-470.2. Applicability.

Section 35-470- shall apply in the R-1/E-1 zone districts only.

Sec. 35-470.3. Submittal Requirements.

~~As many copies of a Land Use Permit application as may be required shall be submitted to the Planning and Development Department.~~ In addition to the information ~~contained within the Land Use Permit application~~ required under Sec. 35-482.3 (Land Use Permit – Contents of

Application), the following information shall also be submitted in conjunction with an application for a residential second unit:

1. A floor plan drawn to scale of the principal ~~structure~~ dwelling and the ~~Attached Residential~~ Second Unit.
2. Documentation verifying that the principal ~~structure~~ dwelling is owner-occupied.
3. The proposed method of water supply and sewage disposal for the ~~Residential~~ Second Unit, ~~including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.~~

Sec. 35-470.4. Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, ~~Attached Residential~~ Second Units shall not be permitted in Special Problems Areas designated by the Board of Supervisors, ~~as subsequently amended from time to time~~ except as provided by Sec. 35-470.4.2 below based upon the finding that Special Problems Areas by definition are areas "having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems."
2. Notwithstanding the above, an attached residential second unit may be approved within a designated Special Problems Area where the Building Official can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
 - b. The owner has submitted an irrevocable offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of service from the appropriate district or company that documents that

adequate water service is available to the lot and that such service is in compliance with the Company’s Domestic Water Supply Permit or b) the owner demonstrates that the lot could be served by an on-site or off-site well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.

- 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
- 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to deny development of the site for residential purposes.

Sec. 35-470.5. Density/Lot Size.

1. Attached Residential Second Units.

a. The minimum lot size on which attached residential second units may be ~~placed~~ located shall be 7,000 square feet, except that for parcels legally created prior to June 2, 1966, the minimum net lot size on which ~~A~~attached ~~R~~residential ~~S~~second ~~U~~units may be located shall be 6,000 square feet.

2. b. For the specified ranges in lot sizes the maximum residential second unit size ~~for new units~~ shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
76,000 - 9,999 sq. ft.	400 sq. ft.
10,000 - 19,999 sq. ft.	600 sq. ft.
20,000 - 1 acre	800 sq. ft.
Over one acre	1,000 sq. ft.

2. Detached Residential Second Units

- a. The minimum net lot size on which a detached residential second unit may be located shall be five acres.
 - b. The maximum second unit size shall not exceed 1,000 square feet (gross floor area).
3. ~~The maximum size of second units built and first occupied prior to December 16, 1993 may exceed the limits shown in the right hand column of the preceding table by up to twenty percent (20%). It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-470.10 (Expiration) for termination date of this standard.~~
 43. ~~No more than one Attached or detached Residential Ssecond Uunit shall be permitted on any one lot. If a ~~Detached~~ Residential Ssecond Uunit exists or has current approval on a parcel, an Attached a second Residential Ssecond Uunit may not also be approved.~~
 5. ~~The minimum gross floor area of an Attached Residential Second Unit shall be three hundred (300) square feet.~~
 6. ~~The gross floor area of the Attached Residential Second Unit shall not exceed one thousand (1000) square feet.~~
 7. ~~Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-291.5.3.~~

Sec. 35-470.6. Development Standards.

The following standards shall apply to all residential second units.

1. ~~The Attached Residential Second Unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan. Pursuant to Government Code §65852.2(ab)(45), the County finds that Attached Residential Ssecond Uunits are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties with R-1/E-1 zoning designations.~~
2. ~~The lot shall contain an existing single family ~~detached unit~~ dwelling at the time an application for an Attached Residential Ssecond Uunit is submitted or the application for the residential second unit shall be in conjunction with the principal ~~unit~~ dwelling.~~
3. ~~The owner of the lot shall reside on said lot, in either the principal structure dwelling or in the Attached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Attached~~

~~Residential Second Unit shall be discontinued and converted into a portion of the principal structure.~~

43. The ~~An Attached Residential Second Unit~~ shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, ~~it~~ the increase in floor area shall not exceed thirty 30 percent (30%) of the existing living area. The floor area of ~~the a garage attached to the principal dwelling~~ may be included in the calculation of existing living area provided the garage is to be converted to living area as part of the same permit to allow the ~~Attached Residential Second Unit~~.
54. The gross floor area of the ~~attached~~ residential second unit shall ~~be a minimum of 300 square feet and~~ shall not exceed 1,000 square feet. Gross floor area includes only the residential second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include any existing floor area not contained within the second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.
6. ~~Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-470.5.3.~~
75. The total gross floor area of all covered structures, including an ~~Attached residential Second Unit~~, shall not exceed ~~forty 40 percent (40%)~~ of the gross lot area of the lot that the residential second unit is situated on.
86. An ~~Attached Residential Second Unit~~ shall not exceed a mean height of 16 feet in height. However, ~~this height limitation may be exceeded~~ except when the portion of an Attached Residential Second Unit that would exceed a mean height of 16 feet would be is wholly contained within the existing primary principal dwelling. A detached residential second unit may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.
97. The ~~Attached Residential Second Unit~~ shall have a separate entrance. The entrance to the residential second unit shall not face an abutting street unless the entrance is structurally shielded so as not to be apparent when viewed from the abutting street.
108. An ~~Attached Residential Second Unit~~ shall not be permitted on a lot in addition to a) a guest house, b) dwellings other than the primary principal dwelling determined to be nonconforming as to use, or c) farm employee housing. If an ~~Attached Residential Second~~

~~U~~unit exists or has been approved on a lot, a guest house or similar structure may not subsequently be approved unless the ~~Attached R~~residential ~~S~~second ~~U~~unit is removed.

~~119.~~ An ~~Attached R~~residential ~~S~~second ~~U~~unit shall contain ~~separate~~ its own kitchen and bathroom facilities.

~~1210.~~ ~~As an advisory, the County Building & Safety Division will require that the Attached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.~~

A residential second unit shall comply with the setback regulations that apply to the principal dwelling as set forth in the applicable zone district.

~~1311.~~ In addition to the required parking for the principal ~~structure~~ dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the ~~A~~attached ~~R~~residential ~~S~~second ~~U~~unit; and for b) each studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATIONS. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal ~~structure~~ dwelling on the site, the setback requirements cannot be met. In no case shall the number of additional parking spaces required for ~~new units~~ a residential second unit be reduced, nor shall any modification be granted to allow parking within the front setback area.

~~14.~~ ~~The Director may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-291.10 (Expiration) for the termination date of this ability to make modifications.~~

~~1512.~~ Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal ~~structure~~ dwelling is currently ~~serviced~~ served by a public ~~sewer or~~ water district or an existing mutual water company, not subject to moratorium for new connections, the ~~Attached R~~residential ~~S~~second ~~U~~unit shall be ~~serviced~~ served by the appropriate district or company. If the principal ~~structure~~ dwelling is

currently ~~serviced~~ served by a water district or an existing water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the ~~Attached Residential Second Unit~~ may be served by a private well or private water company subject to Public Health Department review and approval. ~~If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Attached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Attached Residential Second Unit shall be required to be serviced by the appropriate district.~~

13. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.
1614. ~~If public services are required, prior to the zoning clearance, the applicant of the Attached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.~~
A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the primary unit on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. If determined to be particularly favorable the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix E, *Development Standards for Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems*, must be satisfied. That appendix is hereby incorporated by reference.
1715. Upon approval of an ~~Attached Residential Second Unit~~ on a lot, the lot shall not be ~~further~~ divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan ~~and zoning~~ designation and zone district.

- ~~18~~16. The ~~Attached Residential Second Unit~~ shall not be sold or financed separately from the principal ~~structure dwelling~~.
- ~~19~~17. Where there are conflicts between the standards set forth in this section and those set forth in Sec. 35-450 (Accessory Structures), and the Specific DIVISION 4 Zoning Districts Regulations, the provisions of this section shall prevail.
- ~~20~~18. ~~Prior to the issuance of zoning clearance for the Attached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Attached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolutions 88-328, or any subsequent amendment. Pursuant to the provisions of ordinances and resolutions adopted by the County, the applicant shall be required to pay development impact mitigation fees prior to approval of the Land Use Permit or prior to final building permit inspection as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.~~
- ~~21~~. ~~The Director 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 residential neighborhood or agricultural area.~~
19. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling on parcels less than one acre in size.
20. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
21. In residential zone districts, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

Sec. 35-470.7. Noticing.

~~The Director shall give notice of approval, including any granted modifications, pursuant to Section 35-488, however, a public hearing shall not be required. Notice of an approved or conditionally approved Land Use Permit shall be given consistent with Sec. 35-488.3. In addition, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning and Development. The notice shall state that the project may not be appealed unless the appellant can demonstrate that the project is inconsistent with the development standards contained in Sec. 35-470.6.~~

Sec. 35-470.8 Appeals.

~~The Decisions decision of the Planning and Development Department Director to approving, approve or conditionally approving, or denying approve an applications for a Attached Residential Ssecond Uunit are is final, subject to appeal to the Planning Commission; the grounds for appeal are limited to the demonstration that the project for which the land use permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-470.6. The decision of Planning & Development to deny an application for a residential second unit is final subject to appeal to the Planning Commission in accordance with procedures set forth in DIVISION 12, Section 35-489: (Appeals).~~

Sec. 35-470.9. Revocation.

As provided in DIVISION 9, Section 35-482.7: (Land Use Permits - Revocation).

~~Sec. 35-470.10. Expiration.~~

~~Sections 35-470.5.3 and 35-470.6.13, of this ordinance shall expire on March 7, 1997, unless, after a public noticed hearing on the results of these amendments, the Board adopts an extension to June 30, 1999.~~

SECTION 7:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-470A, Detached Residential Second Units, in its entirety.

SECTION 8:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-472.3, Ridgelines and Hillside Development Guidelines, to read as follows:

Sec. 35-472.3. Development Guidelines.

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

Urban Areas:

- A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. (See definition of building height).
- B. Proposed structures should be in character with adjacent structures.
- C. Large understories and exposed retaining walls should be minimized.
- D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

- A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- B. Building rake and ridge line should conform to or reflect the surrounding terrain.
- C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- D. Large, visually unbroken and/or exposed retaining walls should be minimized.
- E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
- G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning and Development Department (P&D), as stipulated below, must make one or more of the following findings:

1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)
2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)
3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)
4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)
5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)
6. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 9:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-474, Applications That Are Within the Jurisdiction of More than One Final Decision Maker, to read as follows:

Sec. 35-474. Applications That Are Within the Jurisdiction of More than One Final Decision Maker

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:
 - 1a. Board of Supervisors
 - 2b. Planning Commission
 - 3c. Zoning Administrator, except in the Montecito Planning Area
 - 4d. Director

2. If the Board of Supervisors is the decision-maker for a project, due to a companion discretionary applications(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.
3. This section shall not apply to applications for Land Use Permits submitted pursuant to Sec. 35-482 or Emergency Permits submitted pursuant to Sec. 35-486B.

SECTION 10:

DIVISION 10, Administration, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-489.2 to read as follows:

Sec. 35-489.2. Appeals to the Planning Commission.

1. The decisions of the Planning and Development Department on the approval, denial, or revocation, of Land Use Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant or any interested person adversely affected by such decision except as provided in Sec. 35-489.2.2 below. The appeal, which shall be in writing, and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten (~~10~~) calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten (~~10~~) calendar days following the posting date for the notice of Land Use Permit approval, as required by Section 35-488., or if denied, within the ten (~~10~~) calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten (~~10~~) calendar days following the date of final decision by the Board of Architectural Review (~~BAR~~). If final approval by the ~~BAR~~ Board of Architectural Review is appealed, the hearing on the appeal shall only be held after the decision on the Land Use Permit but, prior to the issuance of the Land Use Permit for such project. The ~~BAR~~ Board of Architectural Review appeal shall be processed concurrently with any appeal of the Land Use Permit. If a denial by the ~~BAR~~ Board of Architectural Review is appealed, a separate hearing shall be held on the ~~BAR~~ Board of Architectural Review appeal prior to the decision on the Land Use Permit. No permits shall be issued until all appeals have been heard and/or resolved.

- d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Land Use Permit, or the decision of the Director or the ~~BAR~~ Board of Architectural Review is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or ~~BAR~~ the Board of Architectural Review. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant must identify how the Land Use Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-488. (Noticing).
2. The decision of the Planning and Development Department to approve or conditionally approve a Land Use Permit for a residential second unit pursuant to Sec. 35-470 may be appealed to the Planning Commission only where the appellant can demonstrate that the project for which the Land Use Permit was approved or conditionally approved is inconsistent with the development standards of Sec. 35-470.6.
23. The appellant shall state specifically in the appeal how the decision of the Planning and Development Department, Director, or ~~BAR~~ the Board of Architectural Review, is inconsistent with the provisions and purposes of this Article, or the error or abuse of discretion committed by the Planning and Development Department, Director, or the Board of Architectural Review.
34. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning and Development Department, Director, or Board of Architectural Review.
45. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director, or Board of Architectural Review at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-488 (Noticing) and notice shall also be mailed to the appellant.

SECTION 11:

DIVISION 10, Administration, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-491.3 to read as follows:

Sec. 35-491.3. Exceptions.

No Board of Architectural Review approval is required for the following:

1. Interior alterations.
2. Decks
3. Swimming pools, hot tubs, and spas.
4. Fences or walls six (6) feet or less and gateposts of eight (8) feet or less in height, except when a part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, such structures shall be included as part of the architectural review of the project.
5. Any other exterior alteration determined to be minor by the Director.
6. Residential second units are exempt from BAR review but consultation with the BAR Chair, or designee, is required.

SECTION 12:

Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to add Appendix E, Development Standards For Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems, to read as follows:

APPENDIX E – DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the primary unit on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that a septic system of

suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.

- a. A description of the methodology employed in the performance test.
- b. A site plan showing the location of the test.
- c. A table of data obtained for the performance test at each test location.
- d. A log of the subsurface soil and groundwater conditions encountered.
- e. A statement as to which soil zones will be those utilized by the installed system.
- f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
- g. A site plan indicating the septic system location, the 100 percent expansion area, all required setbacks and the area designated for development.
- h. A statement that the parcel can be developed as proposed and that the septic system can be expected to function satisfactorily with normal use and routine maintenance.

All septic systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:
 - a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.
 - b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.

- c. A plot plan showing the existing sewage disposal system for the main house, including the area required to be reserved for the 100 percent expansion area, and the proposed system for the second unit.
- d. The on-site sewage disposal system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
- e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.
- f. For drywell disposal:
 - 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.
 - 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

SECTION 13:

Except as amended by this Ordinance, Divisions 2, 4, 7 and 10 of Article IV of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 14:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2003, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

NAOMI SCHWARTZ
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel