

ATTACHMENT J-3: COUNTY CODE ORDINANCE AMENDMENT

ORDINANCE NO. 5237

AN ORDINANCE AMENDING CHAPTER 21, LAND DIVISION, OF THE SANTA BARBARA COUNTY CODE, TO ESTABLISH PROCEDURES AND REGULATIONS FOR URBAN LOT SPLITS, AS AUTHORIZED BY GOVERNMENT CODE SECTION 66411.7.

Case No. 24ORD-00024

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

SECTION 1:

Section 21-1, Definitions, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add a new definition of "Single-Family Residential Zone" to read as follows:

Single-Family Residential Zone. For the purposes of Urban Lot Splits, Single-Family Residential Zone is defined to include the following zones: Residential Ranchette (RR), Single Family Residential and Single-Family Estate Residential (R-1/E-1), One-Family Exclusive Residential (EX-1), and Small-Lot Planned Development (SLP).

SECTION 2:

Section 21-1, Definitions, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add a new definition of "Urban Lot Splits" to read as follows:

Urban Lot Splits. The subdivision of an existing, legal lot in a Single-Family Residential Zone into two lots in accordance with the requirements of Government Code Section 66411.7, County Code Chapter 21, and County Code Chapter 35 Sections 35.42.268 (County Land Use and Development Code), 35.442.190 (Montecito Land Use and Development Code), and 35-144W (Coastal Zoning Ordinance), as applicable.

SECTION 3:

Section 21-4, Applicability of article, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (k) to read as follows:

- (k) This article applies to Urban Lot Splits except to the extent that any provisions conflict with Government Code Section 66411.7, as may be amended.

SECTION 4:

Section 21-5, Prohibitions, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (e) to read as follows:

- (e) The rental terms of any unit created by the subdivision for an Urban Lot Split shall be longer than 30 consecutive days.

SECTION 5:

Section 21-6, Discretionary decision-maker jurisdiction and designation of responsibility, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (d)(3) to read as follows:

- (3) Making decisions on applications for Urban Lot Splits and map modifications to Urban Lot Splits.

SECTION 6:

Section 21-6, Discretionary decision-maker jurisdiction and designation of responsibility, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to revise subsection (j) to read as follows:

- (j) County Surveyor. The county surveyor or designee shall be responsible for coordinating recommendations of various county departments concerned with final and parcel maps, including Urban Lot Splits, lot line adjustments, and conditional certificates of compliance and clearances after the decision-maker has approved the particular tentative map, lot line adjustment or conditional certificate of compliance concerned. The county surveyor, or designee, shall also be responsible for the approval of voluntary mergers and certificates of compliance, for determining whether an application for a certificate of compliance shall be filed as a conditional certificate of compliance and for issuing notices of violation of the Subdivision Map Act or subdivision laws under this chapter.

SECTION 7:

Section 21-6, Discretionary decision-maker jurisdiction and designation of responsibility, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to revise

subsection (l)(1)(A) to read as follows:

- (A) To consider and make recommendations upon: (1) subdivision maps, both tentative and final and parcel maps, including Urban Lot Splits; (2) lot line adjustments; (3) conditional certificates of compliance; and (4) modifications to recorded maps, unrecorded lot split plats approved pursuant to Ordinance No. 791 as amended and approved lot line adjustments, as provided in this chapter.

SECTION 8:

Section 21-7, Submission of tentative maps including tentative parcel maps, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (d)(7) to read as follows:

- (7) For Urban Lot Splits, the following additional information is required to be submitted:
 - (A) Information to support the application is eligible and consistent with the requirements in Government Code Section 66411.7;
 - (B) An affidavit stating that the owner/applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the recordation of the Urban Lot Split, unless exempt as a “community land trust” as defined in Government Code Section 66411.7; and
 - (C) Information to support that each of the proposed lots are residentially developable in compliance with the permit requirements and development standards of Chapter 35, Zoning, of the County Code. An Urban Lot Split proposed on a vacant lot must be accompanied by an application for residential development of at least one of the lots in compliance with the permit requirements and development standards of Chapter 35, Zoning, of the County Code.

SECTION 9:

Section 21-8, Form of tentative map including tentative parcel maps and requirements for approval, of Chapter 21, Land Division, of the Santa Barbara County Code, subsection (a) is hereby amended to read as follows:

- (a) The tentative map including tentative parcel map and Urban Lot Split tentative parcel map shall be drawn at such scale, preferably not less than one inch equals one hundred feet, so as to show all details and dimensions clearly and shall show:

SECTION 10:

Section 21-8, Form of tentative map including tentative parcel maps and requirements for approval, of Chapter 21, Land Division, of the Santa Barbara County Code, subsection (b) is hereby amended to read as follows:

- (b) The decision-maker is hereby authorized to apply, among others, the following requirements as conditions to approval of a tentative map including tentative parcel map if, in the opinion of the decision-maker, the location and nature of the subdivision and the proposed street widths, grades, and alignments indicate the need for such requirements, except for Urban Lot Splits, which are separately addressed in Section 21-8(g):

SECTION 11:

Section 21-8, Form of tentative map including tentative parcel maps and requirements for approval, of Chapter 21, Land Division, of the Santa Barbara County Code, subsection (c) is hereby amended to read as follows:

- (c) The following, among others, shall be cause for disapproval of a tentative map, including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant, except for Urban Lot Splits, which are separately addressed in Section 21-8(g).

SECTION 12:

Section 21-8, Form of tentative map including tentative parcel maps and requirements for approval, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (g) to read as follows:

- (g) Urban Lot Splits.
 - (1) The decision-maker shall approve or deny an application for an Urban Lot Split ministerially without discretionary review.
 - (A) The decision-maker shall approve an Urban Lot Split only if: it conforms to all applicable objective requirements of the Subdivision Map Act, except as otherwise provided in Government

Code Section 66411.7, as may be amended; County Code Chapter 21, and Chapter 35, Zoning, as applicable.

- (B) The decision-maker may deny an Urban Lot Split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5, subdivision (d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (2) Conditions and limitations on Urban Lot Splits.
- (A) The decision-maker may impose conditions as set forth in Government Code Section 66411.7, subdivision (e), as may be amended.
 - (B) The decision-maker shall apply local objective standards for Urban Lot Splits identified in Chapter 35, Zoning, of the County Code and subsection (3) below.
 - (C) Uses allowed on a lot created by an Urban Lot Split shall be limited to residential uses.
 - (D) Rental of any unit created pursuant to an Urban Lot Split shall be for a term longer than 30 days.
 - (E) The decision-maker shall not require the correction of nonconforming zoning conditions. However, existing nonconforming zoning conditions shall not be exacerbated by an urban lot split or new principal dwelling unit. Any violations associated with unpermitted development shall be remedied prior to approval of the Tentative Parcel Map.
 - (F) Dedication of rights-of-way or construction of off-site improvements for easements for public services or facilities or for access to/from the resulting parcels may be imposed on parcels being created through an Urban Lot Split as a condition of approving a Tentative Parcel Map when deemed necessary for public health and safety.
 - (G) An application shall not be rejected solely because it proposes adjacent or connected structures provided the structures meet Building Code safety standards and are sufficient to allow separate conveyance.

- (3) Objectives Standards. In addition to the standards in this Chapter, Urban Lot Splits are subject to the provisions of Government Code Section 66411.7, and Chapter 35, Zoning, of the County Code as applicable.
- (A) A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40% of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.
 - (B) New lot lines shall not create a nonconforming structure in any respect (e.g. setbacks, parking, etc.) or increase the nonconformity of an existing structure.
 - (C) New lot lines should be straight lines, unless in conflict with existing improvements or the natural environment in which case the line may follow the appropriate course.
 - (D) Lot lines facing the street shall be generally parallel to the street.
 - (E) Interior lot lines should be at right angles perpendicular to the street on straight lines or radial to the street on curved streets.
 - (F) Lot lines should be contiguous with existing zoning boundaries where applicable.
 - (G) A lot line shall not result in an accessory building on a lot without a primary building unless accompanied by a development proposal in compliance with Chapter 35 of the County Code.
 - (H) Access.
 - i. Each lot shall front upon or have access to a public or private street or be served by an access easement.
 - ii. Access easements shall be sized to accommodate a driveway configuration designed in compliance with applicable Public Works and Fire Department requirements.
 - iii. No residential structure shall be located closer than 3 feet to the access easement if the easement is serving no more than two units. If the access easement is serving three or more units, then no residential structure shall be closer than five feet to the access easement.

SECTION 13:

Section 21-9, Form of final map and parcel map, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to read as follows:

Sec. 21-9. Form of final map and parcel map.

After the approval of the tentative map including tentative parcel map and Urban Lot Split tentative parcel map by the decision-maker, the subdivider may cause a final or parcel map to be prepared. As many copies of the proposed final or parcel map as may be required by the county surveyor and other applicable county departments and agencies, shall be submitted to each department or agency responsible for approving or reviewing such map. The proposed final map shall be prepared in accordance with article 2 of chapter 2 of the State Subdivision Map Act and in accordance with the completed survey of the subdivision based upon a field survey of the boundaries of the subdivision made as required by law. The proposed parcel map shall be prepared in accordance with article 3 of chapter 2 of the State Subdivision Map Act and in accordance with the completed survey of the subdivision based upon a field survey or from compiled recorded data if authorized by the county surveyor. Both proposed final and parcel maps shall be prepared according to the following standards:

SECTION 14:

Section 21-9, Form of final map and parcel map, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection (c)(6) to read as follows:

- (6) For Urban Lot Splits, a statement of owner, stating that:
 - (A) Each lot created by the Urban Lot Split shall be used solely for residential uses.
 - (B) No more than two residential dwelling units may be permitted on each lot, which may include up to two principal dwelling units or one principal dwelling unit and one accessory dwelling unit or junior accessory dwelling unit on each lot, developed in compliance with Chapter 35 of the County Code.
 - (C) Rental of any dwelling unit on a lot created by an Urban Lot Split shall be longer than 30 consecutive days.
 - (D) Owner intends to occupy one of the dwelling units on one of the resulting lots as the owner's principal residence for a minimum of three years from the date of recordation of the final map unless the applicant is a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

SECTION 15:

Section 21-10, Submission of final maps and parcel maps, of Chapter 21, Land Division, of the

Santa Barbara County Code, is hereby amended to add text to read as follows:

An approved or conditionally approved tentative tract map including tentative parcel map and Urban Lot Split tentative parcel map shall expire thirty-six months after its approval or conditional approval by the decision-maker unless otherwise provided pursuant to State Subdivision Map Act, California Government Code Section 66452.6.

To record a final or parcel map, a subdivider shall submit to the county surveyor two prints of the proposed map; traverse sheets, showing the mathematical closure within the allowable limits of error (1:25000 or +/- 0.02' whichever is greater) of the exterior boundaries of the subdivision, blocks to the center of adjoining streets and all the lots whose closure is not ascertainable from the map without trigonometric calculations; and the county surveyor's checking fees as the same are established by the board of supervisors.

The county surveyor shall examine the map as to its technical accuracy, conformity with the approved tentative map and compliance with all applicable laws and regulations. In the event the county surveyor determines that there is noncompliance, the subdivider shall cause the map to conform, shall comply with the regulations or shall petition for approval for changes or alterations.

Where the subdivider desires to obtain approval of alterations on the final or parcel map from the approved tentative map or of changes made in conditions imposed as conditions of approval of the tentative map, he shall petition, in writing, the subdivision/development review committee for its recommendation on such alterations or changes and submit with the petition the number of map prints requested by the planning director. Changes and alterations shall be approved in the same manner as the original tentative map was approved.

Each department or agency affected by conditions of approval imposed on the subdivision shall file written clearance notices with the county surveyor certifying that the requirements of the department or agency have been satisfied. The county surveyor shall also obtain written notice from the county clerk that all required bonds or cash deposits have been received by him.

When the county surveyor is satisfied that the map is technically correct, conforms to the approved tentative map or any approved alterations thereof and complies with all applicable laws and regulations, the county surveyor will notify in writing the licensed land surveyor or engineer licensed to practice land surveying who prepared the map and request delivery of the original tracing of the final or parcel map. Upon receipt of the original tracings of the final or parcel map and upon receipt of written notice that all departments and agencies have certified that their requirements have been satisfied and all bonds or cash deposits have been received by the county clerk, the county surveyor shall execute his statement on the original tracing of the map as provided in Section 66442 of the California Government Code in the case of a final map and Section 66450 of the California Government Code in the case of a parcel map. In the case of a final map or in the case of a parcel map that dedicates an interest to the county, the county

surveyor will transmit the same to the clerk of the board of supervisors for filing for approval. The board of supervisors shall approve the map at its next regular meeting if it conforms with all the requirements of applicable laws and regulations made thereunder. The board of supervisors shall, at that time, also accept or reject any or all offers of dedications and shall, as a condition precedent to the acceptance of any streets or easements or other dedications for public purposes, require the subdivider to make or agree to make such improvements as are required by law and regulations adopted pursuant thereto.

For Urban Lot Splits, the final parcel map shall not be transmitted to the Clerk of the Board of Supervisors for filing for approval until a minimum of one legal principal dwelling unit is established on at least one of the lots and the owner has signed an affidavit stating that the owner intends to occupy one of the dwelling units on one of the resulting lots as the owner's principal residence for a minimum of three years from the date of recordation of the final map unless the applicant is a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

When the final or parcel map and all cash deposits and bonds and all conditions have been approved, the clerk of the board of supervisors shall execute his statement on the final map as provided in Section 66464 of the California Government Code and shall transmit such final or parcel map to the county recorder for recording.

SECTION 16:

Section 21-15.9 Modifications to recorded maps, lot split plats and lot line adjustments, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to revise subsection (g) to read as follows:

- (g) Procedure for Modification of a Final or Parcel Map Lot Split Plat or Lot Line Adjustment. Any proposed modification of a final or parcel map or lot line adjustment, except for a parcel map for an Urban Lot Split, shall require a public hearing before the decision-maker with current jurisdiction as determined by this Chapter for the final or parcel map or line lot line adjustment proposed to be modified, according to the procedures specified in Section 21-7 of this Chapter. Any proposed modification of a parcel map for an Urban Lot Split shall be under the jurisdiction of the Director and shall not require a public hearing. Any proposed modification of a lot split plat shall require a public hearing and be under the jurisdiction of the Zoning Administrator. The subject of the hearing shall be confined to consideration of and action on the proposed modification(s). Notice of such hearing shall be provided as prescribed by State Subdivision Map Act, California Government Code Section 66451.3 and this Chapter as provided in Section 21-71.3 (Public Hearing Notice). The action of the

decision-maker shall be final, unless appealed to the Board of Supervisors as provided in Section 21-71.4 (Appeals).

SECTION 17:

Section 21-16, Surveys and monuments and survey procedure, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to revise subsection (a) to read as follows:

- (a) The survey to be used in preparation of a final or parcel map including Urban Lot Split parcel map shall be made in accordance with the California Business and Professions Code Section 8700 et seq. and in a manner satisfactory to the county surveyor. The location, size and type of all monuments shall be subject to the inspection and approval of the county surveyor before approval of the map.

SECTION 18:

Section 21-71.4.2, General appeal procedures, of Chapter 21, Land Division, of the Santa Barbara County Code, is hereby amended to add subsection C.4 to read as follows:

- 4. Urban Lot Splits. The decision of the Planning Director on an Urban Lot Split and modifications to an Urban Lot Split is final and not subject to appeal.

SECTION 19:

All existing indices, section references, and figure and table numbers contained in Chapter 21, Land Division, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 20:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 21:

Except as amended by this Ordinance, Chapter 21, Land Division, of the Santa Barbara County

Code, shall remain unchanged and shall continue in full force and effect.

SECTION 22:

This ordinance shall take effect and be in force 120 days from the date of its passage; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, 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 11th day of February, 2025, by the following vote:

AYES: Supervisors Lee, Capps, Hartmann, Nelson and Lavagnino

NOES: None


ABSTAIN: None

ABSENT: None



LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel